Military Review

THE PROFESSIONAL JOURNAL OF THE U.S. ARMY ■ NOVEMBER–DECEMBER 2007

http://militaryreview.army.mil



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FEATURE: Fighting Identity: Why We Are Losing Our Wars p2

Michael Vlahos

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Form Approved
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE	2. REPORT TYPE	3. DATES COVERED
DEC 2007		**00-11-2007 to 00-12-2007**

4. TITLE AND SUBTITLE	5a. CONTRACT NUMBER
Military Review: The Professional Journal of the U.S. Army. November-December 2007	5b. GRANT NUMBER
	5c. PROGRAM ELEMENT NUMBER
6. AUTHOR(S)	5d. PROJECT NUMBER
	5e. TASK NUMBER
	5f. WORK UNIT NUMBER
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) **U.S. Army Combined Arms Center ,Fort Leavenworth,KS,66027**	8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)	10. SPONSOR/MONITOR'S ACRONYM(S)
	11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION/AVAILABILITY STATEMENT
Approved for public release; distribution unlimited

13. SUPPLEMENTARY NOTES

14. ABSTRACT

15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT **unclassified**	b. ABSTRACT **unclassified**	c. THIS PAGE **unclassified**	**Same as Report (SAR)**	**135**	

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Cover Photo: A copy of the Geneva Convention is displayed in a recreation area in Camp Delta at the Guantanamo Bay Naval Station in Guantanamo Bay, Cuba 4 September 2007. The U.S. military is building a mobile courtroom complex on an unused runway at the Guantanamo Bay naval base and plans to be ready by March to conduct as many as three terrorism trials at a time. (REUTERS/Joe Skipper)

Headquarters, Department of the Army
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas
Volume LXXXVII — November–December 2007, No. 6
http://militaryreview.army.mil
email: leav-milrevweb@conus.army.mil
Professional Bulletin 100-07-11/12

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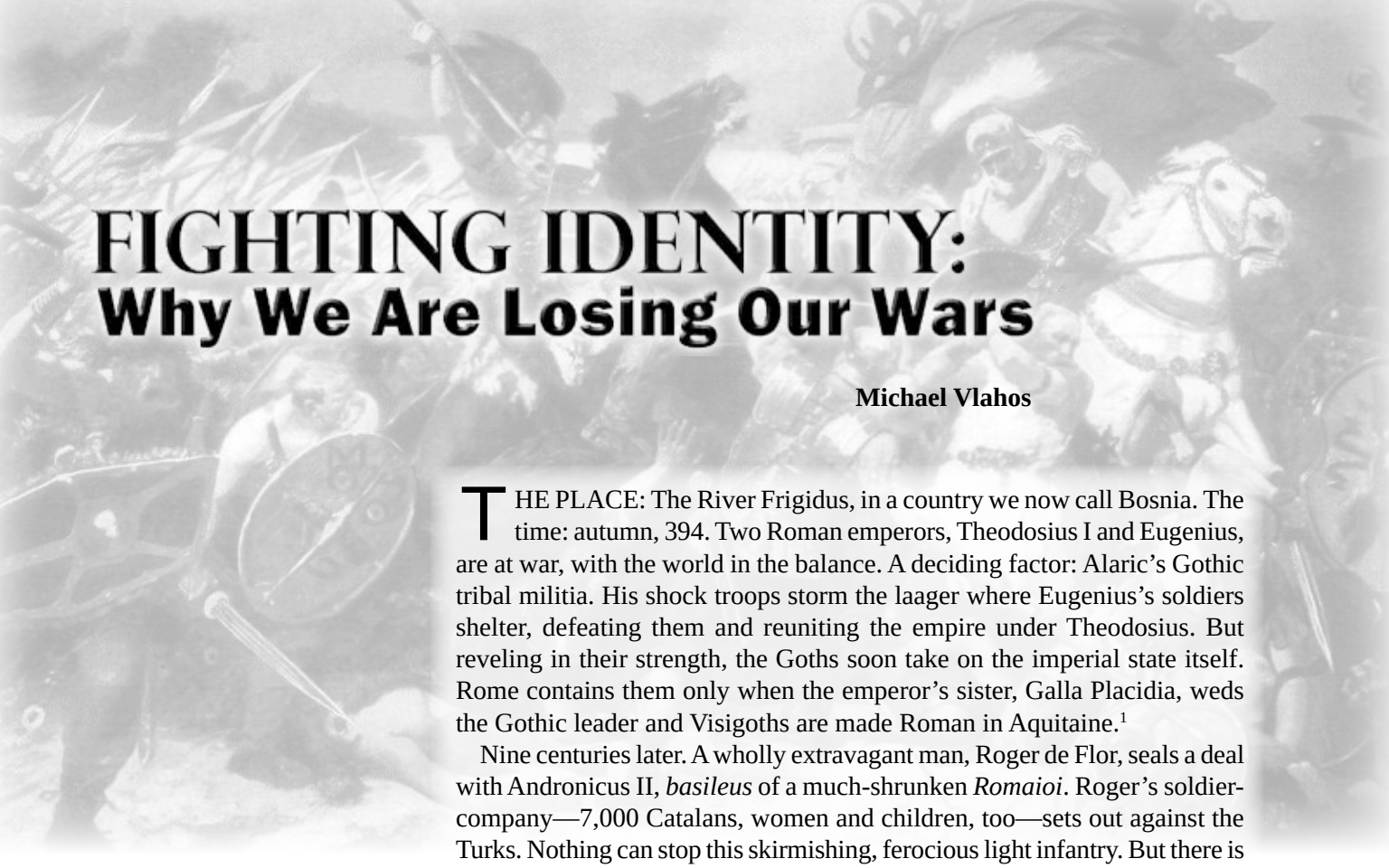
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Military Review (US ISSN 0026-4148) (USPS 123-830) is published bimonthly by the U.S. Army, CAC, Fort Leavenworth, KS 66027-1254. Paid subscriptions are available through the Superintendent of Documents for $42 US/APO/FPO and $58.80 foreign addresses per year. Periodical postage paid at Leavenworth, KS, and additional mailing offices. POSTMASTER: Send address changes to Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954.



FIGHTING IDENTITY:
Why We Are Losing Our Wars

Michael Vlahos

THE PLACE: The River Frigidus, in a country we now call Bosnia. The time: autumn, 394. Two Roman emperors, Theodosius I and Eugenius, are at war, with the world in the balance. A deciding factor: Alaric's Gothic tribal militia. His shock troops storm the laager where Eugenius's soldiers shelter, defeating them and reuniting the empire under Theodosius. But reveling in their strength, the Goths soon take on the imperial state itself. Rome contains them only when the emperor's sister, Galla Placidia, weds the Gothic leader and Visigoths are made Roman in Aquitaine.[1]

Nine centuries later. A wholly extravagant man, Roger de Flor, seals a deal with Andronicus II, *basileus* of a much-shrunken *Romaioi*. Roger's soldier-company—7,000 Catalans, women and children, too—sets out against the Turks. Nothing can stop this skirmishing, ferocious light infantry. But there is not enough gold in the Byzantine treasury to pay them. Catalan anger against an empty-pocket state (that betrays them!) starts an empire-wide, seven-year rampage that comes close to bringing down Constantinople itself.[2]

Two snapshots in history: two "non-state actors" seizing the greatest states of their day by the throat—and taking what they want. For all of its unpalatable irony, this is our world today.

We Americans, 21st-century Romans, find ourselves ineffective against the barbarians we call non-state actors. The non-state fighters are like Melville's Moby Dick: they "heap" us, they task us. Yet we can achieve nothing against them.

Something is happening here, and we need to take it onboard. But doing so means throwing off our narcissism and certainty of entitlement. It is a heavy burden to shrug off. But shrug it we must.

The "American Way of War" enshrines triumph through military "transformations."[3] They are divine tokens of our superiority. Even better, "like-us" challenges from others are met by all-out U.S. out-performance. German combined arms innovation between the world wars led to "Patton beats Rommel." Ditto Japanese carrier aviation. Ditto Soviet atomic rockets. Ditto too the Soviets' vaunted "military-technical revolution." How we outdid them! But our paradigm of military "revolution" is steadfastly both technology-driven and self-focused. The American way of war is all about "like-us" or "kin-enemies" also doing like us. We always win out in the end, and win big.

Today's transformation, however, has nothing to do with us, except perhaps in how the new innovators take on our technologies—and target our vulnerabilities. The innovators here are emerging societies and alternative

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PAINTING: Invasion of the Goths into the Roman Empire, Battle of Adrianople. (O. Fritsche)

communities—not "kin-enemies" but aliens, "stranger-enemies." They drive this transformation of war.

History's Legacy

Since classical antiquity there have been two eras in which non-state actors dominated war. One was the time of antiquity's end, from the 5th to the 7th centuries. The second was at the end of the Middle Ages and the very beginning of modernity, in the 13th and 14th centuries. These were tumultuous times, of course, but also periods in which identity was shifting and migrating. Specifically, these eras track the morphing identity of the Greco-Roman world and the late-medieval transformation of the Mediterranean world (the emergence of the Ottomans as successors to both the Byzantine and Sunni Arab commonwealths).

These were transition periods, between-times, bridging old establishments to new. Consider what was happening:

- International relationships were marked by migrations of peoples, economic big changes, and "outside" shocks like grand pandemics and abrupt climate change.
- Societies were shaken by new ideas and new movements, leading to new collective consciousnesses and thus new identities.
- The very nature of ruling authority was shifting in people's minds, moving rapidly from established forms to new claims.

If we look at late antiquity and early modernity, we see two very different, but also two very change-oriented times. Big change was not simply material. Essential social and cultural relationships, too, were being upended and thrust into creative turmoil.

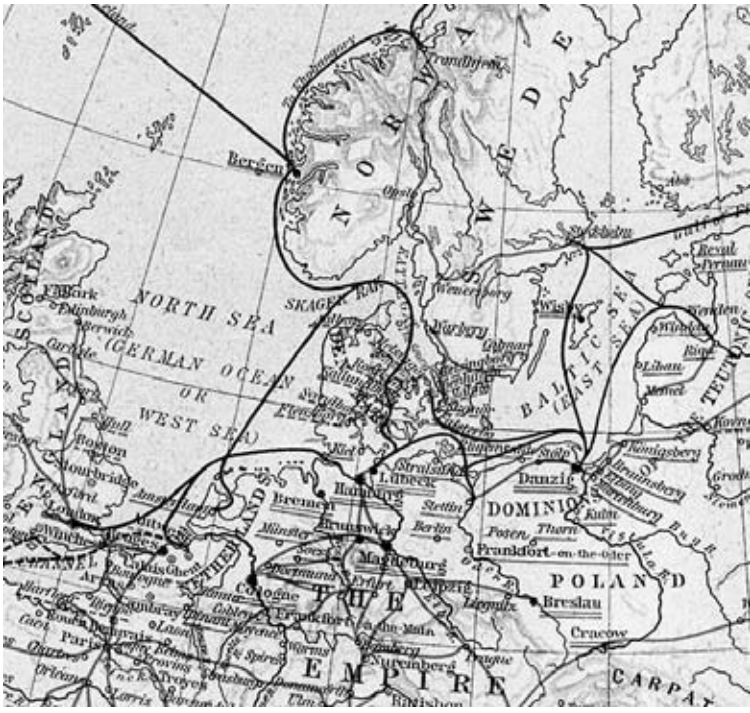
In late antiquity, the Roman Empire was formally divided, but more practically it was becoming fissiparous—splitting constantly into local governance that took the form of rebellion and civil war. But this was less about imperial insurgencies than it was about rising non-imperial identities. New identity was also taking an international, ecumenical shape. Thus Christianity was effectively a new Roman "nation" operating within and then taking over the institutional forms and ruling authority of the empire itself.

Two critical functions of state power were also declining: tax revenue and military effectiveness. Increasingly, Roman order was dependent on a tiny and expensive elite of mobile shock forces—the age's high-tech expeditionary forces. The empire had a single, perfect, and magnificent, but small, army with which to tamp down an unruly world.[4]

In early modernity, the "imperial" ventures of a grand crusading era were dissolving. The great states that dreamed such imperial pretension—France, the Holy Roman Empire, Naples/Sicily, and the Byzantine state—were in decline. Defiant new governance was rising. Civic associations had muscled into city-states, and stubborn principalities were flouting unwieldy kingship and imperial systems. This was also a time of exuberant economic growth and innovation. New "global networks" of commerce and banking were creating tiny but vital nodes of power that could defy an atrophying feudal order.

And this transformation also applied to war. The serf-empowered chevalier and his scythe-armed levies were suddenly no match for highly trained and well-paid soldier-companies, armed and accoutered in the super-tech of the day, from trebuchet to arbalest to high-castled cog.[5]

Simply, older state structures and their authority were under stress and in decline. Moreover, local identities were rising, including many connected



The "global network" of the Hanseatic League, a non-state actor, circa 13th century. A confederation of merchant associations based in towns and cities from Poland west to Brugges in Belgium, the Hansa formed its own deliberative body and waged wars against Denmark and Holland.

I. NARRATIVE BOUND

We are at the mercy of our own, rigid (nation-state) "rule sets."
The "fit" between us and the enemy works to his advantage.
America paradoxically comes to embrace the role of enabler.
American denial—the threat of our identity defeated—immobilizes us.

not to any notion of "state," but tied rather to their communities. Finally, there was a functional "equalization" of military capabilities in both technology and operational art. This permitted non-state groups to challenge "old state" military institutions.

The Basis of Non-state Military Authority

We have entered another such world environment. The key features of non-state ascendance in war are—

- Ineffectiveness of the nation-state order in deploying and using military force.
- Greater energy and battle focus among non-state actors than nation-states.
- Selective technology equalizations that, combined with tactical creativity, make non-state fighters equal to our Soldiers on the battlefield.

Nation-state ineffectiveness. In war we focus on the enemy and how to defeat him. We pay little attention to how our needs and expectations shape war, and almost none to how our relationship with the enemy shapes war's outcome.

Our needs and expectations in war take the form of "rule-sets" that not only define how we do military operations, but also how we understand our enterprise as a success. We assume the validity of rule-sets because we believe we make the rules when it comes to war. The very height of our pride came at the turn of the new millennium. We were so sure we owned the very laws governing war that we declared, like Ovid's Olympians, that we could "transform" war at will.

But we forgot one thing. What we do in war will always mesh with what the enemy does. Our "fit" with the enemy is never wholly in our control.[6] Thus success is all about how our rule-sets mesh with the enemy. We are most comfortable when the enemy tries to match our rule-sets—when the fit is tight. In fact, enemy buy-in to our war-frame *has always been the critical and unacknowledged factor in American battle success*. Here we have been lucky. Enemies who shared our way of fighting ensured our biggest war successes.

In our minds and imaginations, we made the wars we fought. They were our wars: our rules, our vision of victory. But with Confederates and Germans and Japanese and Russians, victory was also very much their gift to us.

Now our hallowed rule-sets have been overturned. The enemy makes us fight to their rule-sets—to our loss.

The way we do things in war now works against us. This is because how we do things now "fits" enemy practice in ways that make non-state resistance more productive. Our battle "fit" with the enemy actually advances their goals. But we cannot admit this because we are committed to the belief that what we do is the only possible recipe for "victory." We are stuck working against ourselves.

Thus our "fit" with the enemy fills us with uncertainty and hesitation. We not only cannot control the outcome of military intervention, but we cannot describe practically how to achieve "victory" or even military effectiveness. For example, we are told—years after we were promised a military victory in Iraq—that "success" now is not really military, but political. Does this mean we "win" (after tens of thousands of casualties) when the insurgents we were fighting finally take political power?

The "American Way of War" is locked into a sacred dramatic narrative culminating in "victory." This is because American wars are at root celebrations of identity. Victory is the fulfillment of war's liturgy, where sacrificing the purest among us somehow renews and strengthens us.[7] Therefore, if victory is redefined as the equivalent of giving the enemy what he wants—even if that is clearly the best and most realistic outcome for the national interest—then even Orwell's *NewSpeak* will fold and collapse

II. TRANSCENDENCE VS. MANAGEMENT

They are overflowing with identity-power—ours is in short supply.

War for them is a celebration of identity—battle is a transcendence.

The American Way of War has been transformed into a management ethos.

In the war of identities, we are a hook to their fit—and our identity is weaker.

in the act of spinning black into white. If our wars are rituals of American religious nationalism, then liturgy's sacrifice simply cannot be in vain.[8]

However we spin our non-state wars, we feel we have lost, because in terms of our expectations and mythos, we have. Perceived battle and campaign failure in turn creates even higher levels of anxiety and greater loss of confidence. This is pure strategic opportunity for all-or-nothing non-state fighters.

Non-state energy and battle focus. The wars of our non-state "between-times" are, above all, wars of identity. Because we put our faith in controlling rule-sets where technology is the talisman of victory, we cannot see how identity-power instead is the decisive factor in war today.

Identity-power has come into full play. It is not simply that Western military units are forced to fight the enemy's war, and in the enemy's battle environment. Far more significantly, we fight as world managers against mythic heroes sacrificing themselves for "the river" of their particular humanity.[9] Entering into their "fit" means also entering into a world where we cannot escape the role they create for us in their grand drama.

In their drama of identity, the role we play—evil, weak, even inhuman—is central to a cultural ritual almost primitive in its emotional intensity and passionate symbolism. We come (on the surface at least) bearing "policy" and "administration" into a world (as described in classic ethnographies) of *primitive warfare*.

But that warfare is primitive only in the sense that its connection to the sacred ties today's fighters to the earliest human societies. In terms of how such warfare affects us, *it is highly sophisticated*. To an extent undreamed of in classical war, where we "fit" an enemy mirror-image of ourselves, in the *stranger-milieu* we are at their mercy. Furthermore, our weapons' sophistication is less a factor today than it has been in two centuries—due in part to a surprising leveling of technology. In the warrior face-to-face, their meaning trumps our meaning. Their passion and piety overrules our dispassion and reason.[10] Above all they make us their enablers. In the new "fit," we become agents of their story. Moreover, our world authority legitimates and anoints them among those they seek to convert. We become their secret weapon.[11]

Why can we not see this? Here, the enemy creates another paradox: by challenging our own identity, they pull us into an emotional co-dependency. We may have gone in thinking clinical experience, clinical outcome. But their riposte is a manhood challenge. Their very resistance inflames our nation's spiritual need to prove its battle-worthiness and warrior ethos. We cannot resist their challenge. They hook us into their "fit". . . and we are finished.[12]

We are finished because our angry lash-out makes us even better helpmates. Practically, this means that we sustain what motivates them—the evil other, the American dark enemy. Yet we also ratify their necessary story: that they are the frontline struggle against the evil invaders of Islam.

The passion of it all obscures our essential opportunity: building relationships with the enemy. This is surely a daunting challenge. A non-state community is perfectly suited to fight as a people, where all take up the stress of the effort in some way. This convergence of willingness and availability permits the non-state community to shape its battle environment organically. But we could change that picture. We could engage them in ways that begin to deconstruct their "all against the stranger" existential reality.

Unfortunately, our military culture is simply incapable of this. We deploy a culturally ignorant battle element into their environment. Moreover,

III. TECHNOLOGY

Western technology becomes their identity-enhancer, their mobilization.

Western technology is worked selectively to shape their "fit."

A looser and less rigid culture of war means more adaptability, more creativity.

The U.S. response as "technical solution" is a waste that works against us.

more than half of this battle element is not about battle at all; it's a support-umbilical. It is umbilical because it seeks to sustain an American sanctuary where fighting troops inevitably seek relief not only from the battle but also from the alien-ness of the evil stranger society. Engaging the enemy thus becomes a daily foray-dynamic that our own logistical structures work daily to reinforce. Out there: the Red Zone. Back here: Burger King.

Our energy is all in the sortie, followed by the flight back to sanctuary. In contrast, they inhabit the battlespace. Their sanctuary is the very ground they fight on.

Technology equalizations. Technology is our talisman. It is both our fetish of victory and the very bringer of victory. How then can we see that we have given our sworn enemy the very tools with which he savages us daily? When the Mahdi annihilated Colonel Hicks's Egyptian army, the righteous captured 10,000 Martini rifles and millions of rounds, plus a nice tranche of field artillery. Even though it counted for exactly nothing years later at Omdurman, a precedent was set.

Now it counts. For all of our talk about "network-centric operations," it is the enemy who is delivering. Moreover, they console themselves that this was exactly how it happened in the age of Ur-victories against the original 7th century superpowers: Persia and Rome. "First Muslims," too, took what they needed from superior but spiritually degraded civilizations as they proceeded to defeat them.

Today, these tools are the lifeblood of new consciousness—they are a touchstone to identity-mobilization. The *ummah* has never been stronger, *despite* takfiri *influence*. Everywhere our cherished high-tech is their cathartic enabler. Enemy operational art infused by our technology provides a constant boost to their renewed identity.

We have given our enemy tools their prayers could only have cried out for. It is almost casually common to assume Muslim backwardness—as Bernard Lewis does in *What Went Wrong?* In fact, Muslims show us every day that where it counts, *nothing went wrong*. They are beating us with our own technology.

A quick sketch shows how this goes. Cell phones are the essential C4ISR network.[13] The Internet nurtures fighter communities and ummah consciousness alike. The improvised explosive device (IED) and suicide bomber equal American precision ordnance or even surpass it—with a human not just "in the loop," but there at target-closure.

The enemy has taken our technology and used it to better effect than we, the creators, could in our war against him. But like ancients deserted by the Gods, we return again and again to the fetish-temple of technology to seek succor.

Myth tells us that cracking Enigma turned the tide in the Battle of the Atlantic, and there are scores of similarly cherished (if not holy) stories replayed 24/7 on cable's *History* and *Military Channels*. So as the IED grew into the greatest killer of our Soldiers, we turned again to divinely inspired engineering solutions—the true *deus ex machina* of our war liturgy. And so billions pour into the IED-Defeat crusade. Yet the god has not emerged, not this time, from the machine.

What our IED response really shows is how we continue to fit ourselves, however unconsciously, into the enemy's battlespace and their rule-sets. Thus they incorporate our technology to enhance the battle prowess of their people. Their rule-sets seek to create an entire experience of identity realization moment-to-moment. They understand that it is in the living of war's mythic passage that identity will be truly realized.

We, in contrast, use technology as a tool to tame the phenomena of war: i.e., to better kill enemy fighters. But this ignores the larger nature of the war: that it is a war of the whole people; that it is a war of identity.

War as Phenomenology

We misunderstand war because, for us, thinking about war is an exercise in phenomenology. War is all activity and effects, and all about observed energies and material outcomes. War is the sum of its phenomena.

Hence we classify wars on heavy material scales, like "limited war" vs. "total war," or by litmus tests, like "just war" vs. "terrorism," or by how well others play by our rules, like "conventional war" vs. "irregular war."

We lack a holistic approach to human conflict. We have no access to the religious dimension of war, and so no way to assess the inner dynamics of wars of identity. Because we are chained to the mental construct of war-as-phenomenology, we can only adapt to today's transformation of war by superficially adapting to its changing phenomena.

Thus we have after years of denial re-anointed counterinsurgency (COIN) doctrine. Yet we do not really know why COIN only works in a few situations. Instead, we believe that COIN works when it effectively addresses the phenomena of insurgency. As a result, COIN doctrine today—*no less than in the 1960s*—operates as a sort of secret recipe. Do this and then this and at the right moment add this and . . . you win.

The smart line among the cognoscenti a couple years ago, as new-kindled ardor for COIN ramped-up, was that Malaya was the "gold standard" for COIN.[14] But here is why the British COIN approach worked in Malaya:

- The Malayan communist insurgency was a tiny movement removed from the people.
- The British had tight relationships with local rulers.
- The people were politically passive.

Malaya looks like a classic colonial campaign. But saying that we can only win in well-greased, low-key, neo-colonial situations is not the full and necessary takeaway. The magic key to Malaya-like insurgencies was the identity-power of the colonial masters.

The British had a century-long, club-cozy relationship with Malaya's sultans. The princes even sprang for a brand new British super-dreadnought in 1912—hardly the stuff of anti-colonial angst. Moreover, the status of the Malay people was not a political issue. There were no rising peoples' movements, no compelling new visions of identity.

The big identity was the one sold by Mr. Kipling. Marginal merchant princes clinging to the edges of the Victorian Indian Empire happily embraced Britain's generous protection racket. They did, and they still do. The cultural counterparts of the Malayan sultans are our clients today: Kuwait, Qatar, Oman, Bahrain, the "Trucial Coast" (or UAE), and they have been under Anglo-American protection now for over a century.[15]

We take our phenomenology of COIN from a long-lost Western *zeitgeist* flush with dominant identity, easily and everywhere able to lay down terms for patron-client relationships. Ultimately, COIN's "gold standard" in Malaya should not be confused with a lost "golden age" that we might hope to recapture.

Many officers today might argue that COIN thinking has really advanced in the last couple of years. Citing FM 3-24, they maintain that each insurgency is unique, that COIN can only be a guide and a start point for the particular culture, enemy, and environment of the conflict. But the essence of the recipe is not in its ingredients or in the *brio* of the cookbook. The problem with COIN is the concept itself. It whispers to our unshakeable faith in powers that no longer exist. Hence COIN is a window into our deepest beliefs about ruling identity: it is a pledge to sustain its magical realism at all costs.[16]

Not only is there no secret recipe, but the very possibility of counterinsurgency is, in itself, bankrupt and corrupt. Certainly we can continue, if we are selective, to prop up littoral princes, perhaps forever. But we cannot help authoritarian allies hold down peoples in the central societies of Islam—Pakistan, Saudi Arabia, and Egypt—forever. In these societies, *as we surely know*, any insurgency that trumps the tender mercies of a tyrant's police *apparat* will be like Roman Italy with Spartacus loose. We cannot grandly stage-manage the big societies of a civilization: witness Iraq.

Many will say that recent developments in Anbar contradict this. But is this triumphant COIN or simply expedient cooptation, desperately embraced after years of casual American denial? It is all very well to say that "the Marines' version of COIN here stresses the desire of locals to control their own identities and fates," yet what it really means



U.S. Army Rangers

Members of Task Force Ranger under fire in Somalia, 3 October 1993, Operation Code Irene, the Battle of Mogadishu. Eighteen Soldiers were killed, and the U.S. withdrew from Somalia less than a week later.

is making Marines helpmates in the Sunni struggle against the Sh'ia other. This may be the only practical thing to do, but it is no longer COIN, because it no longer lives within the ruling concept of control: that at some irresistible, string-pulling level, we are in charge. Rather, improvisation in Anbar may be the first glimmer of a new strategic path: toward a doctrine of cooptation over counterinsurgency. It is also a sign that the era of control is over.

Kipling's time, the time when Europeans and Americans could do as they willed, was the high tide of Western identity, the time of European religious nationalism unbound. That was when globalization's first wave—pure creative destruction—washed over traditional societies. They did not stand up well. Old identities lacked technology and the insight to use it against a West on identity-steroids.

Today it is the nation-state that is on the defensive. Emerging societies are responding to modernity's second wave of globalization. But non-state resistance did not simply emerge out of the wreckage of wave one. It is also a response to the failure of "Western" successor models to take root. Thus whole swathes of humanity, lacking the backstop of traditional meaning but also without a working Western reality to take its place, are inevitably forging new models of identity.

Emerging societies and alternative communities almost always represent a high demand for identity in human places where it has been stripped away or degraded. What makes these new models powerful is their promise of collective realization and transcendence—and the popular energy this unleashes.

What makes non-state identity difficult for nation-states to comprehend is that it does not look anything like colonial-era tribalism or sectarianism.[17] Back then, Ashanti or Zulu could be locally defeated and co-opted. Even hot revivalist movements like the Sudanese mahdists could be slaughtered and contained before they spread.

What phenomenology cannot encompass is how dramatically all this has changed. What we see as battles against "bad guys" in Somalia, Afghanistan, Lebanon, and Iraq are also now templates for community resistance everywhere. Armed resistance in today's world is a renewed path to realization and transcendence. And not just for Muslims anymore.

This message tramples the West's old declaration: that globalization is unstoppable and that you should make your peace with it. We need to focus on the new message and not just on the downstream phenomena of battle.

The new message tells us that identity-power has changed hands. What do we do when the force is no longer with us?

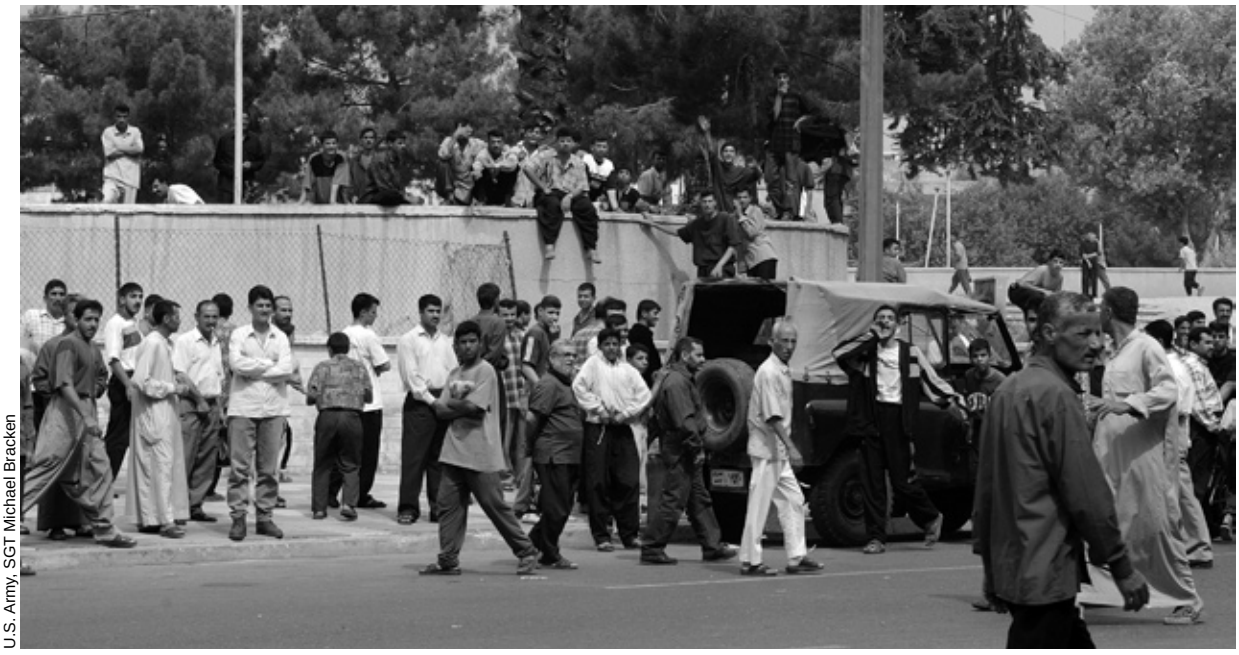
The Significance of This Historical Period

New identities flourished too in late antiquity and early modernity. Late antiquity was a time of recession—economically and culturally—so new communities carved out their spaces within the grand edifice of old civilization. Early modernity, in contrast, opened up new possibilities through economic growth and an absence of regulatory authority.

What history shows is what happens in a world environment where alternative communities and non-state societies can take root and grow. This is how our world today is like times unimaginably long ago.

Today, alternative communities are transnational and even virtual, rooting and spreading identity through the world network. There are quintessentially local communities, like the Tamil in Sri Lanka, but there are also global societies in the making. The most challenging communities are locally rooted but also plugged into a world community. This describes the challenging paradox of the Islamic revival perfectly.

It would be convenient to say that people are seeking out new identity because of a "failure" of nation-state ideology, or because of globalization's inability to meet "basic human needs." But this



U.S. Army, SGT Michael Bracken

The new Iraqi identity? A surly crowd watches Soldiers take Iraqi males into custody for throwing bricks and instigating violence, in Mosul, Iraq, 13 June 2003.

presupposes that other peoples want to join us, and that given a sufficiently robust consumer culture and Western electoral norms, they would enthusiastically embrace America's world vision.

But we are helpless to address their "meaning-identity" problem. The warning for us is that for many of the world's peoples, we now represent the evil against which their hopes for identity must contend.[18]

The truth: peoples stripped of meaning necessarily seek out new meaning. It is the urgent task of their lives. We are not even in contention when it comes to offering new meaning. For them all we have done with globalization is strip them of their old meaning. Ignoring their cries, we set ourselves up as the evil-other, the stranger, that so helps make us their enabler.[19] We thus rob ourselves of alternative—and potentially far more productive—relationships.

We are stuck with a rhetorical, self-defeating counter-argument as our conventional wisdom—and that is our terminal narrative of modernity. Thus globalization, the story goes, is unstoppable. Non-state societies merely represent the chaotic margins that always accompany great historical change.

But the wisdom of this story is limited to the people it serves—and globalization serves at most only half of humanity. In 20 years it may be only a third. Globalization serves our world, the realm of robust nation-states and market capitalism. What of the billions left behind by formal labor markets and discarded by the state systems that represent our official national identities?

Three billion people, adrift in a world of personal disorder, are searching for new meaning. This represents an iron demand for new identity. It is inevitable in today's chaotic schema of human need that new offers will be made. It is also inevitable that people will passionately embrace these offers.

Islamism is simply a single world data-point for new identity. The surge of Pentecostalism, for example, is equally compelling. Emerging identities that are hardly criminal, or deviant, are often still pushed effectively to the shadowy margins of official national life, a twilight zone they thus share with the riotous proliferation of drug principalities and urban gangs worldwide. But we should see the authenticity of their identity-offer for what it portends. Because in a world of the stripped and left-behind—of one-half about to become two-thirds of humanity—we do not have a counter-offer.

We offer only lordly altruism, while denying our own identity problem. Western identities too are shifting. New societies and their identities are emerging *within us*. This is no simple problem of the nation-state getting weaker and non-state competitors getting stronger. Nation-states claim airtight regulatory control—on the surface. Certainly their military power far outstrips any non-state actor.

But the identity-foundation of today's nation-states is arguably far weaker than it was even a generation ago. Western states rely on tiny enforcement agencies to protect their societies rather than on the citizenry as a whole. What are we to make of this? A mobilized citizenry is no longer needed by a militarily supreme Western world.

Yet our modern identity at root is based on collective, even sacred, civic commitment. Thus an armed citizenry is not so much the sinew of national defense as it is simply the ratifying expression of collective identity—of our national religion. Any pre-Vietnam American battle monument celebrates this. And that tie has been severed, perhaps forever.



This single lost tradition suggests a weakening of Western civic "self" at the very moment emerging societies are making civic commitment and sacrifice the basis of theirs.

This is not an academic issue. Identity-politics in Western modernity are relatively weaker than those of emerging non-state societies. In this situation, our ability to morally and physically assert Western ideas and practice is similarly eroded.

Somalia, Afghanistan, and Iraq show us the harsh touch of a new era. The wretched of the earth have found their métier of battle. Historical periods in which non-state actors have battle leverage tend to be transition periods, or bridges between "worlds," because world identities and their power relationships are changing. In these transition times, non-state societies are often stronger and more empowered than established states.

But should we worry that our identity is weaker in the sense that it is less bloody-minded? Like Romans in late antiquity or 14th-century Byzantines, we inhabit a universe of civilization. We are no longer blood-simple: we are in the fraternity of civilization. Ironically, perhaps, we may feel a bit more like late Romans or Byzantine *Romaioi* than we might care to admit.

We feel superior to what we see as primitive non-state fighters, but we are also more than a little afraid that we cannot stand up to them. Maybe this is why America's most bloodthirsty political commentators continually exalt the killing of large numbers of the enemy. How often they admiringly point to the Romans at their muscular, martial peak.[20]

Forgetting for a moment that these same Romans not only exterminated barbarian tribes, but almost literally wiped Israel "off the map," and forgetting too that Roman policy at its best preferred co-optation as much as risky battle, we should confront our Roman rhetoric for what it is: a chilling open window into our own fears.[21]

We fear that we are too weak to prevail. In battle we urgently seek affirmation that we have what it takes to win. Hence battle serves the same deep needs as any church liturgy.[22]

What we really see in this war is the abandonment of strategy for the sake of liturgy. We long ago gave up on making our original war rule-sets work, while at the same time we have not seriously tried to adapt to the enemy's battlespace. The war remorselessly morphed into a political testament tied to a desperate vision of triumphant American religious nationalism.

The need for a national-emotional positive—a shred of collective transcendence—finally came to cancel out any sort of effective response. Thus in Iraq, rather than withdrawing and regrouping, we redoubled our effort by exalting the necessity of our good works, the purity of our ideals, and the sacrifice of our "next greatest generation."

We came at last to stay there because we were caught in our own trap. We cannot leave until we seize victory, but victory by any non-Orwellian definition is beyond our grasp. This is why we fight the enemy's war and continue to serve as the enemy's enabler.

But here is where our great nation faces a deadly vulnerability. As we fight identity, we are not merely weakening our own. We should also be mindful of how few of our own—like late Rome and late Byzantium—are willing to fight for us.

We have assigned the entirety of our security to a demographic slice, a society of Soldiers, a noble

warrior-class. It is superbly equipped and lavishly accoutered, yet, notwithstanding and above all, it is so small. And it is also all we have.

What Romans discovered in the later 4th century is that risking such an army is existentially dangerous. The emperor Julian took Rome's most superb army ever into the place of the two rivers, the place we call Iraq. There, he lost that army. Fourteen years later, a scratch-built force and a bad leader lost whatever was left at Adrianople—the beginning of the end.[23]

The mind-numbingly huge world of emerging global non-state humanity can suck us dry as surely as 4th-century Iraq did Rome, and with equally prefigured consequences. We, in contrast, are no longer prepared to do battle collectively, as a people, like in prehistorical times. Some of us are, and they fight daily for us.

This is the lesson, is it not? Fighting our enemies' fight means fighting their identity and helping them on the path to realization. But their path may also be our road to ruin. We must conserve our strength and so preserve our way of life.

This war has been a warning. We should take it. ***MR***

The views expressed in this article are entirely the author's.



Fighting in the "place of the two rivers": U.S. Soldiers advance through the streets of Samarra during Operation Iraqi Freedom, 21 December 2003. (SPC Clinton Tarzia)

NOTES

1. The battle of the Frigidus lasted two days and the Goths were central to the East's victory. They suffered staggering losses, which only heightened their reputation. A good description of the battle is in Arthur Ferrill, *The Fall of the Roman Empire* (London: Thames and Hudson, 1986). The heavy use of non-state forces in Roman civil wars is thoroughly treated in Hugh Elton, *Warfare in Roman Europe, 350-425* (Oxford: Oxford UP, 1996).

2. The best analysis of the Byzantine state's response to the Catalan Company is still Angeliki Laiou's *Constantinople and the Latins: The Foreign Policy of Andronicus II, 1282-1328* (Cambridge: Harvard UP, 1972).

3. This banderole was first hoisted in Russell Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (New York: Macmillan, 1973).

4. A wonderful thumbnail summary of transforming identities in the late Roman west is in Patrick Geary, *Before France and Germany: The Creation and Transformation of the Merovingian World* (Oxford: Oxford UP, 1998), 3-38. While Elton details late Roman military institutions, J.E. Lendon, *Soldiers and Ghosts: A History of Battle in Classical Antiquity* (New Haven, CT: Yale UP, 2005), captures superbly its ethos. He describes a force eerily evoking our own: "The Romans still managed, until Adrianople, to field a professional army, soldier by soldier not demonstrably inferior in any respect to the Roman army of the earlier empire, and in some respects superior. In straitened times, whether by decision or default, numbers on the battlefield and usable reserves had been sacrificed to quality" (308).

5. The non-state dimension of this transformation comes through in powerful granularity in Mark Bartusis, The *Late Byzantine Army: Arms and Society, 1204-1453* (Philadelphia: U. Penn Press, 1992) and also in Kristian Molin, *Unknown Crusader Castles* (Hambledon and London, 2001). Both texts help us understand the remarkable strategic leverage of small but "high-tech" non-state military units in early modernity.

6. Martin van Creveld, *Technology and War: From 2000 B.C. to the Present* (Glencoe, IL: Free Press, 1991), 319-320, treats the fit of opposing military technologies. But Van Creveld's concept applies more broadly to the very fit of ethos in battle: "It was not the technical sophistication of the Swiss pike that defeated the Burgundian knights, but rather the way it meshed with the weapons used by the knights at Laupen, Sempach, and Granson. It was not the intrinsic superiority of the longbow that won the battle of Crecy, but rather the way in which it interacted with the equipment employed by the French on that day and at that place." The fit is a mesh as much of thinking as of technology. It is an elusive meeting of needs, expectations, and imagination between combatants.

7. As we gather like a congregation to Ken Burns's latest series, does this not tell us how the passion of World War II still lives?

8. For example, Barack Obama instantly issues multiple apologies for saying, "We have seen over 3,000 lives of the bravest young Americans wasted." See <http://abcnews.go.com/Politics/story?id=2872135&page=1>.

9. Radio Free Europe/Radio Liberty has produced a stunning report on Iraq insurgent propaganda—what we call "public diplomacy." It is with a shiver that we

see slick insurgent magazines with banner-titles like "The Knights"—as in "Jedi." This is the enemy's idealized vision of themselves.

10. T.X. Hammes cautions that "our fighters have as much passion as theirs [although] much of our passion is directed at saving our buddies rather than the greater goal." But this is not just about Soldiers; it's also about the emotional battle bond between fighters and their society as well. Battle has always been at some level, even if only through song and story, a collective national experience. Here insurgent video makes that connection daily, while American society is as coolly removed as a people can be, collectively, from the passion of their own war.

11. World Public Opinion/PIPA poll, "Muslims Believe U.S. Seeks To Undermine Islam," 23 April 2007, <http://www.worldpublicopinion.org/pipa/articles/home_page/346.php?nid=&id=&pnt=346&lb=hmpg1>.

12. Hence the repeated, ringing appeals from the right conjuring the most sacred, sacrificial moments of American battle—Iwo Jima and The Bulge, especially. These are thrown down like a challenge: Are we no longer worthy of our own ancestors? This is a response encoded in American DNA. It can be sensed even in the deep symbolic power, say, of Halo 3.

13. C4ISR is the unwieldy acronym for command, control, communications, computers, intelligence, surveillance, and reconnaissance.

14. See, for example, Eliot Cohen's NPR interview, "Scoring the War on Iraq: Who's Winning?" 1 July 2005, <http://www.npr.org/templates/story/story.php?storyId=4726795>.

15. Lieutenant Colonel (retired) Dave Kilcullen introduced me to this cultural analogy in imperial relationships across time and ocean.

16. Magical realism is a celebrated Latin American literary genre. Alejo Carpentier's "conception was of a kind of heightened reality in which elements of the miraculous could appear while seeming natural and unforced."

17. This becomes a backward-looking stained-glass rosette explaining non-state resistance: "See, insurgencies are but primitive tribal energy!" See Ralph Peters, "Return of the Tribes," *The Weekly Standard*, 4 September 2006, <http://www.weeklystandard.com/Utilities/printer_preview.asp?idArticle=12616&R=ED>.

18. Michael Vlahos, "The Fall of Modernity," *The American Conservative*, 26 February 2007, <http://www.amconmag.com/2007/2007_02_12/feature.html>.

19. There is a symmetry of irony too, for as globalization strips them of old narrative, it also transforms our own. They become the evil-other for us as we do for them: "The worlds left behind morph from our moral responsibility into dark forces we must subdue. Rather than an American story of global deliverance and redemption, this war substitutes its own story of good against evil, of civilization against the night." Vlahos, "The Fall of Modernity."

20. The warm embrace of Rome spiked before the U.S. invasion of Iraq, as this 2002 report highlights: Emily Eakin, "'It Takes An Empire' Say Several U.S. Thinkers," *New York Times*, 2 April 2002.

21. With the Jews of Judea scattered to the winds after Bar Kokhba's revolt, Hadrian officially wiped "Judea" off the map, replacing it with "Syria Palaestina."

22. The liturgical dimensions of American war ritual are everywhere with us, from the Gettysburg Address and our national anthem, to the sacred statues lining Washington's Mall almost as though they were national stations of the cross, to our own Elysian Fields with their forever-warrior-honor-guard and flame.

23. Lendon's contention of "the best" Roman army (fn 1) leads him to a singular epitaph: "There were men who knew how to lead an army like this, men like Valens's general Sebastianus, men like those who had pleaded with Julian not to march east into the realm of the Persians. The army of the fourth century needed to be treasured, to be commanded with care and circumspection, not risked unnecessarily. It needed to be wielded with calculated finesse, like a rapier: its tragedy was to be commanded by men like Julian and Valens, men who used it like a mace, as Roman commanders always had." Remembering that American forces are also "commanded" by their head of state, we might reflect on these lines: "Late antique commanders were lashed on by history . . . What commanders knew (and were told by those around them) is that leading their armies boldly at the enemy was expected and admired behavior . . . There was, in short, a dangerous mismatch between the capabilities of the Roman army of the fourth century and the culture of its commanders, visibly or invisibly guided by the tradition in which they fought" (Lendon, 308).

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THE "ARMED RECONCILER"

The Military Role in the Amnesty, Reconciliation, and Reintegration Process

Michael W. Mosser, Ph.D.



PHOTO: Vice President of Iraq Tariq al-Hashemi, right, greets former detainees during a detainee release ceremony at the Ramadi Training Center in Ramadi, Iraq, 18 September 2007. (U.S. Army, SPC Alan Moos)

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THE PROCESS OF RECONCILING a fractured and fragmented society after any conflict—or better yet before a conflict can erupt—is tortuously complicated. It can take almost Herculean resolve to confront a past in which one or more sectors of a society have suffered at the hands of another, and then move that society forward. Sometimes, it may require military force to make that happen. And so, when the U.S. Government finds itself helping rebuild the social structure of a failed state, a "quasi-state," or some ungoverned space, it should consider using the military as a "forcing function" to bring aggrieved populations together.[1]

It is this function—the military as "armed reconciler," too often either overlooked or misunderstood—that this article examines. Thus, the article outlines the principles underlying amnesty, reconciliation, and reintegration (hereafter "AR2"), a process inevitably nested in national policy and doctrine, and it postulates ways in which the U.S. military, as an instrument of that policy, might act as a reconciler. The discussion here contributes to the already abundant literature on the process of reconciling former enemies and reconstructing a unified society from chaos.[2] Past experience, outlined in follow-on essays to be published later in *Military Review*, provides the empirical base for analysis. By proposing a dimensional model that holistically fits the experience, this article points to the dynamic interrelationships among the factors of the AR2 process. It explores how the introduction of an external armed reconciler affects both the societal dimensions of the process and the correlation between amnesty, in some form, and reconciliation. As such, the article assumes the status of a "first cut," in the hope of generating discussion on the discernible principles involved and the efficacy and the utility of such undertakings by the U.S. military.

AR2 as a Dimensional Model

AR2 is not in and of itself a discrete entity. As a process it comprises three distinct phases of societal reconstruction after a state fractures. These three phases, themselves distinct processes, are not usually grouped together, and each has a substantive literature surrounding it that in many ways throws up conceptual roadblocks to using AR2 as an integrated concept.

Of AR2's constituent elements, amnesty, usually found in the discussion of "national reconciliation," is both the most visible and the most problematic to define. Generally centering on the UN and other international organizations as the prime movers in national reconciliation, the literature tends to view amnesty in an instrumental light, as one step necessary to start a societal healing process.[3] As defined in the *Oxford Essential Dictionary of the U.S. Military*, amnesty is "an official pardon for people who have

been convicted of political offenses." It is generally held up as the absolute minimum that must be accomplished for any reconciliation to take place. Importantly, amnesty is dependent on the cultural context in which it occurs. Whether or not it is called "amnesty" may also be important.[4] Whatever amnesty is called, how it is carried out, and to what extent it is "full" or "limited," is a matter of contention that depends a great deal on local circumstances.[5] Regardless, one argument in this discussion is that some sort of societal or political dialog must take place, in most cases leading to a form of amnesty. Generally, amnesty must be in place as a foundation before reconciliation or reintegration can take place.

Reconciliation and reintegration are, depending on the circumstances of the particular case, interchangeable in order but not in achievement. Both have to be accomplished for the full AR2 process to be complete. By way of example, picture a post-civil-war society which is technically re-integrated (in terms of bringing previously "outside the system" actors back inside) but which may not be reconciled, especially if the entire society did not participate in the reintegration process. As empirical case studies show, the idea that the "R2" phases of the AR2 process are any less important than the "A" phase is a complete fiction. The full and complete AR2 process is synthetic and holistic.

For purposes of brevity and clarity, I take it as a given that the elements of amnesty, reconciliation, and reintegration form a cohesive process, and that the process is embedded within a specific cultural context. I wholeheartedly accept that cultural differences play a significant role in determining the boundary conditions for societal reintegration (i.e., what the institutions of national reconciliation may look like, or how they may be comprised, or to what extent the society accepts the presence of an international mediator). Moreover, cultural concerns and idiosyncrasies clearly have to be taken into account when attempting to structure any AR2 process from outside, especially in the discovery and understanding of the appropriate cultural narratives through which the aggrieved parties may frame their ability to reconcile. Nonetheless, for the purpose of describing general principles of AR2, the framework developed herein only implicitly uses this anthropological conceptualization of narrative. It suggests that while culturally significant factors may determine the degree to which each of the constituent elements can be achieved (or even the order in which they occur), the process itself is the unifying factor among all the cases. That is to say, the process is the same across the cultures involved in the studies. Recent work, at both the U.S. Army's annual "Unified Quest" future warfighter exercise and the School for Advanced Military Studies in Fort Leavenworth, supports this conclusion. That work has also begun to make considerations of particular cultural narratives explicit.[6]

In any general conception, a comprehensive amnesty, reconciliation, and reintegration process requires full and wholesale incorporation within a sociocultural context of three interrelated dimensions of a fractured polity: the political, economic, and security. Incomplete assimilation of these three areas will result in at best incomplete reconstruction of a fragmented polity, and at worst will sow the seeds for the reemergence of the conditions that led to the conflict in the first place. This multistage, multidimensional process is common to all empirical experiences of national reconciliation and reintegration of disaffected populations. The Venn diagram in figure 1 below depicts an abstraction of this multi-dimensional process.

In this article I model the AR2 process based on the dimensions laid out above. There was, in fact, a process of AR2 in each of the empirical cases in

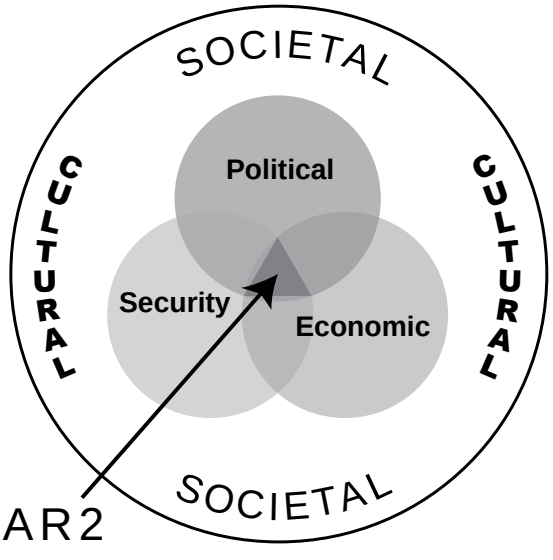


Figure 1. Dimensions of the AR2 process.

question. In every case, all of the process's constituent elements (amnesty, reconciliation, and reintegration) were present. I do not, however, examine each constituent element in detail. The more interesting aspect of the cases is how the dynamic relationship of the political, security, and economic dimensions of the society in which the AR2 process was taking place affected the pace, depth, and resilience of the final result. The process as a whole can only be successful when these constituent dimensions of a society are balanced.[7]

In the simplest terms, the three dimensions of the AR2 model replicate the divisions found within any contemporary society. I define the political dimension as any political activity that takes place within formal governance structures at any level of a society. Examples of political society range from local city councils to state/provincial or national government. Political society is therefore the exact opposite of civil society, which is generally defined in terms of voluntary associations, networks, or other nonpolitical or non-governmental organizations.[8] The economic dimension of a society is that in which economic activity takes place; I make no distinction between the formal and informal sectors of the economy. Finally, the security dimension of the society is one where issues facing society are best dealt with using the tools of the police, the judiciary, and/or military force (where appropriate, e.g., support to civil authorities during national disasters).

The AR2 process has occurred in distinct and unrelated places and times, but in each case it has had the same identifying qualities. Each instance also contained elements of the fundamentals that are necessary for a fully formed and successful case of AR2. In some cases, these elements were present in abundance, and the process appears to have been stable and resilient. In others, the elements are harder to locate or have been out of balance, causing doubt about whether or not full reconciliation or reintegration can ever really take place.

To complicate matters, there are multiple levels to the three dimensions in which a society must be reconciled. The first level involves a society's receptiveness to reconciliation. For a society to reconcile, its constituent actors have to be amenable to reconciliation. A society's level of receptiveness to reconciliation varies over time and location (shown in the figure as, hypothetically, the size of the "sweet spot" at the center of the political, economic, and security dimensions). One can test levels of receptiveness through metrics arising from the model's three dimensions. For example, we might call a society politically receptive to reconciliation and reintegration when it has adopted a system of representative government, when it fairly and adequately represents all factions within it, and when it peacefully transitions from one government to the next.[9] By the same token, an economically receptive society could be one in which some attempt is made to address the income inequality gap or a land reform process is put into place. Finally, a society receptive to reconciliation in the security dimension might be one that sees the police forces as protectors rather than predators, and where the military forces serve as guardians of representative government rather than arbiters of justice. Increasing receptiveness in any dimension leads to the possibility of increased receptiveness in all dimensions.

The AR2 process has occurred in distinct and unrelated places and times, but in each case it has had the same identifying qualities.

Each of the three dimensions of a society undergoing the AR2 process has a key actor involved in balancing that dimension with the other two and expanding the AR2 "sweet spot" at the center. In balance with the political and economic dimensions, there must be an apolitical and impartial actor—an "honest broker"—in the security dimension to prepare the ground politically for some sort of representative government and to improve the economy's ability to adjust to the post-conflict environment. The police, judiciary, and/or armed forces normally would play the central role in maintaining order and administering justice. Ideally, this role would and should be played by internal security forces, but where that function is impossible (perhaps due to perceived or real difficulties in making the security sector apolitical and impartial), an outside actor must be willing to step in as the armed reconciler.

What is also important is the weight of each dimension relative to the other two. Mapping the

dimensions on a relative scale can give the analyst a better picture, although admittedly a simplified one, of where to expend energy in the AR2 process. This picture becomes of paramount importance when attempting to discern what the armed reconciler's role should be in instigating change and pushing a society deeper into AR2. If, for example, aggrieved parties see the problem more in economic than security terms, the military's role as forcing function may well be to provide enough security to empower local economic actors to push through economic changes for the benefit of all. Planners should keep in mind that mapping the dimensions provides a condensed overview, a snapshot in time, of the process, and that a case of national reconciliation may in later stages be weighted differently than when it began.

The Military within a Nested AR2 Process

With its focus on the military as armed reconciler, AR2 nests as a process within U.S. doctrine and policies as well as within the overall level of international practice and experience (see figure 2).

The military has been and continues to be the most visible instrument of U.S. national power. As such, it has the greatest potential not just to make headlines when it carries out lethal operations in support of U.S. policy and strategy, but also to be a valuable actor in stability operations. While operating around the world prosecuting the War on Terrorism, the military by default has become responsible for setting the conditions for stable, viable post-conflict environments. According to U.S. Army Field Manual (FM) 3-0, *Operations*, were the military to engage in the process of encouraging societal reconciliation, it would do so only as part of a "stability" operation, where "Army force presence promotes a stable environment."[10] Although FM 3-0 does not say so explicitly, we can reasonably assume that stability operations carry forward until the society can stand on its own, so by implication the military takes on the role of armed reconciler.

Stability operations play a part in post-conflict reconstruction, especially for international organizations. In the literature on post-conflict reconstruction, and particularly security-sector reform, the role of the military is traditionally viewed purely in terms of internal security; that is, the focus has

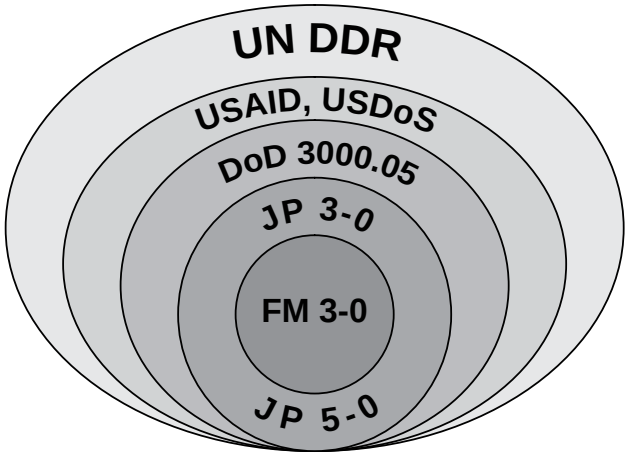


Figure 2. AR2 as a nested process.

usually been on what to do with the vestiges of the former regime's military and security infrastructure.[11] Such a focus, while valuable, is limiting, and does not take into account the absolutely vital role the U.S. military can play as an honest broker in shepherding through a conscientious, well-wrought, and universally applied program of AR2 in a country that desperately needs to reconcile.

A relatively new mission for the military, stability operations are codified by Department of Defense Directive 3000.05.[12] Paragraphs 4.1, 4.2, and 4.3 of that directive are especially relevant here:

- 4.1. Stability operations are a core U.S. military mission that the Department of Defense shall be prepared to conduct and support. They shall be given priority comparable to combat operations and be explicitly addressed and integrated across all Department of Defense (DOD) activities including doctrine, organizations, training, education, exercises, materiel, leadership, personnel, facilities, and planning.
- 4.2. Stability operations are conducted to help establish order that advances U.S. interests and values. The immediate goal often is to provide the local populace with security, restore essential services, and meet humanitarian needs. The long-term goal is to help develop indigenous capacity for securing essential services, a viable market economy, rule of law, democratic institutions, and a robust civil society.
- 4.3. Many stability operations tasks are best performed by indigenous, foreign, or U.S. civilian professionals. Nonetheless, U.S. military forces shall be prepared to perform all tasks necessary to

establish or maintain order when civilians cannot do so. Successfully performing such tasks can help secure a lasting peace and facilitate the timely withdrawal of U.S. and foreign forces.[13]

In this new way of thinking, stability operations become part of a recipient country's internal development process from conflict through to national reconciliation. Too often, however, statesmen, policymakers, or military executors of policies fixate on that process and fail to appreciate the intricacies of rebuilding a society in which groups may either have been disempowered for long periods of time or completely removed from any governing arrangements. They see national reconciliation in linear and teleological terms, where overall success is determined more by the success of the process itself than by the creation of a unified polity and society. In other words, the means become the end. Failing to recognize that national reconciliation is merely a part of a larger process, and that it must be sought in concert with the two equally important steps of amnesty and reintegration, is a recipe for catastrophe.

Another potential pitfall is failing to understand the role the military can play in helping to make AR2 work. And so, as this article suggests, more explicit dialog should occur on what happens when the military assumes the function of armed reconciler as it devolves from stability operations.

What exact role should the military play to move a society forward towards national reconciliation? Should a nation, especially one that has recently used its military to force a change in the country's regime, even put its military in this difficult position? For the United States, the answer is yes: it can and should employ its military as an armed reconciler because of the crucial need for third-party impartiality in the reconciliation process. Case studies show that an outside military force can perform successfully as an honest broker in social negotiations. Note the phrase "honest broker" as opposed to terms like "neutral referee" or "intermediary"; this conscious choice of words purposefully recognizes the facts on the ground in post-conflict situations. "Impartial" does not mean neutral, and "apolitical" does not mean nonpolitical. Rather, there is an expectation that the military will assist, where and when possible, in helping to bring warring factions together to undertake reconciliation. How it does so can be found in what U.S. military doctrine calls "conflict termination" criteria.

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Conflict Termination Criteria

For the military to perform as both honest broker and "forcing function" in a society that needs to be reconciled, commanders must understand the criteria for taking action in transitional situations. Conflict termination criteria are essential to establish a set of measurable benchmarks the military can use to determine the primacy of its effort, and how it should transition from the supported to a supporting role in a conflict.[14] If developed correctly, conflict termination criteria should also set forth the conditions under which the U.S. military can push a society toward reconciliation.

Conflict termination criteria are developed in campaign planning, and well-defined conflict termination criteria are crucial in determining when and how a combat operation transitions to post-conflict peace or stability operation. U.S. Joint doctrine recognizes this. Specifically, in a section headed "Termination of Operations," Joint Publication (JP) 3-0, *Joint Operations*, notes that "military operations normally will continue after the conclusion of sustained combat operations."[15] JP 5-0, *Doctrine for Planning Joint Operations,* lists conflict termination among its "Fundamentals of Campaign Plans" and states that a good campaign plan "serve[s] as the basis for subordinate planning and clearly define[s] what constitutes success, including conflict termination objectives and potential posthostilities activities."[16] In other words, planning for the future state of the post-conflict society in question should be done at the same time military action is being planned.[17]

Developing clear and well-defined conflict termination criteria is likely a necessary but not sufficient condition for a robust AR2 process. While AR2 may take place in the semi-permissive environment

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immediately following major combat operations, or during counterinsurgency operations, it is one of those "posthostilities activities" JP 5-0 stipulates should be planned for during combat operations. In fact, conceptualizing the conditions under which AR2 could be executed should constitute a key element of any conflict termination planning. AR2 needs to be nested within conflict termination, itself nested within campaign planning.

AR2 and DDR

Military-backed AR2 is not just a joint concern. Because AR2 has some clear similarities to the UN's "disarmament, demobilization, and reintegration" (DDR) process, it might also be considered an alternative in the interagency and multilateral communities. There are, however, some major differences between AR2 and DDR.

As defined by the UN, DDR contributes to security and stability in post-conflict environments so that recovery and development can begin. The DDR of ex-combatants is a complex process, with political, military, security, humanitarian, and socioeconomic dimensions. It aims to deal with the security problem that arises when ex-combatants are left without livelihoods or support networks, other than their former comrades, during the crucial transition from conflict to peace and development. By removing weapons from the hands of combatants, then taking the combatants out of military structures and helping them to integrate socially and economically into society, DDR seeks to support ex-combatants so that they can become constructive participants in the peace process.[18]

The UN DDR process emphasizes the role of impartial international observers in a permissive or semi-permissive post-conflict situation, which is to be expected given the UN's mandate and mission. Where AR2 differs from DDR is that it recognizes even nonpermissive environments can harbor the seeds of reconciliation. All too often, however, nonpermissive environments have been seen as too dangerous for any application of national power beyond lethal military force, and the opportunities for setting in motion the process of eventual reconciliation have been short-circuited.

Conclusion: Can There Be A Generalizable AR2?

The case studies to follow this overview in future issues of *Military Review* will show how AR2 worked (or did not work) in distinct, though not unique, instances. Each case sheds light on subtle complexities and variations for which any generalized AR2 process must account, but taken together they reveal core principles of the process as a whole. These principles can be summarized in the following manner:

- Primarily, the AR2 process must create a shared history that all parties accept.
- The AR2 end state must be envisioned during the planning process, as part of a post-conflict reconstruction and stabilization plan.
- Amnesty cannot be seen as a process unto itself, but rather should be considered as a beginning to a process which should end in national reconciliation. In addition, culturally distinct aspects of how that amnesty will be constructed and applied have to be accounted for.
- Any amnesty needs to be mutually recognized; in other words, all parties must be ready to accept it. Amnesty must be applied to and accepted by all parties to the conflict.
- In the reconciliation process, justice must be restorative rather than retributive.
- Retributive ("victors'") justice serves only to sow the seeds for future protests or objections, whereas restorative justice takes into account the sentiments expressed by all parties (aggrieved or otherwise).
- A full and complete AR2 process must be mediated by a third party that is seen to be impartial, or by some sort of empowered honest broker.
- It may be possible to put a third party in charge of AR2 as a facilitator, but too much power (an enforcer/bully posture) or too little (a monitor posture) can be counterproductive.
- Economic and political reconciliation needs to begin even as the military works to create a secure environment. Setting the long-term conditions for

AR2 should ideally be done by civil, rather than military, means.

- The sooner the process can be turned over to civil authorities (i.e., some normalization of society) the better.
- The longer it takes to create a totally permissive environment, the less chance there is to stabilize society.

These principles flow deductively from the hypothesis that any post-conflict society will need assistance from an honest broker, and they follow inductively from empirical analysis of six distinct cases. Together with the general tenets outlined in this article of what constitutes AR2, as well as the doctrinal foundations of when American military power can legitimately be employed in the process, one can discern general principles. The question that remains, however, is, at what point does a society need to reconcile on its own? When, in other words, can the forcing function be removed? Answering these questions in a world in which ungoverned spaces proliferate, and where societies are fragmenting rather than reconciling, will likely come from further Herculean commitment of American blood and treasure, albeit in the role of armed reconciler. ***MR***

The question that remains, however, is, At what point does a society need to reconcile on its own? When, in other words, can the forcing function be removed?

NOTES

1. There is substantial discussion of failed states in both the academic and practical literature. On the academic side, see Robert Jackson, *Quasi-states: Sovereignty, International Relations, and the Third World* (Cambridge: Cambridge University Press, 1993), as well as Robert I. Rotberg, *When States Fail: Causes and Consequences* (Princeton, NJ: Princeton University Press, 2003). In a more applied vein, see COL Thomas Dempsey, "Counterterrorism in African Failed States: Challenges and Potential Solutions," Strategic Studies Institute monograph, April 2006, available at <http://www.strategicstudiesinstitute.army.mil/pubs/download.cfm?q=649>. *Foreign Policy* also publishes its annual "Failed States Index," available online at <http://www.foreignpolicy.com/failedstates>. On the practical implications of dealing with ungoverned spaces, see Thomas P.M. Barnett, *The Pentagon's New Map: War and Peace in the Twenty-first Century* (New York: Putnam Adult, 2004).

2. For a representative sample, both geographically and conceptually, see Richard Ashby Wilson, "Anthropological Studies of National Reconciliation Processes," *Anthropological Theory* 3, no. 3, 367-87, as well as *Reconciliation, Justice, and Coexistence: Theory and Practice* (Lanham, MD: Lexington Books, 2001); Roland Bleiker, *Divided Korea: Toward a Culture of Reconciliation* (Minneapolis: University of Minnesota Press, 2005). Amy B. Brown and Karen Poremski, *Roads to Reconciliation: Conflict and Dialogue in the Twenty-first Century* (Armonk, N.Y.: M.E. Sharpe, 2005); Rohan Gunaratna, *International Dimension of the Sri Lankan Conflict: Threat and Response* (Colombo: Marga Institute, 2001); Ussama S. Makdisi and Paul A. Silverstein, *Memory and Violence in the Middle East and North Africa* (Bloomington: Indiana University Press, 2006); Gi-Wook Shin, Soon-Won Park, and Daqing Yang, *Rethinking Historical Injustice and Reconciliation in Northeast Asia: The Korean Experience* (New York: Routledge, 2006); and Trevor Wilson, *Myanmar's Long Road to National Reconciliation* (Singapore, Canberra: Institute of Southeast Asian Studies, Asia Pacific Press, Australian National University, 2006).

3. A small sample of recent work in this area includes Mark R. Amstutz, *The Healing of Nations: The Promise and Limits of Political Forgiveness* (Lanham, MD: Rowman & Littlefield Publishers, 2005); Mark Freeman, *Truth Commissions and Procedural Fairness* (Cambridge: Cambridge University Press, 2006); Pierre Hazan, *Morocco: Betting on a Truth and Reconciliation Commission* (Washington, DC: U.S. Institute of Peace, 2006); Daniel Philpott, *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice*, Kroc Institute Series on Religion, Conflict, and Peace Building (Notre Dame: University of Notre Dame Press, 2006); Rosalind Shaw, *Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone* (Washington, DC: U.S. Institute of Peace, 2005); United Nations High Commission for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Truth Commissions* (New York; Geneva: United Nations, 2006). Also see James Dobbins, Seth Jones, Keith Crane, and Beth Cole DeGrasse, *The Beginner's Guide to Nation-Building* (Santa Monica, CA: RAND, 2007).

4. In South Africa, for example, there were no convictions for political offenses. The amnesty was to encourage those accused of political crimes to come forward and put into the official record their testimony. The Truth and Reconciliation Commission realized that a non-retributive amnesty had to be in place to make the process of national reconciliation work.

5. There is some debate as to whether a general amnesty is required for reintegration or reconciliation. To square this circle, some have begun to make the distinction between national-level and local-level amnesty, or between "amnesty" and "immunity": "What has emerged [in Iraq] is what you might call 'conditional immunity.'"—GEN David Petraeus, testimony to combined House Armed Service and Foreign Affairs Committees, 10 September 2007.

6. Thanks to Dr. Marc Tyrell and COL (R) Tom Odom at *Small Wars Journal,* <http://www.smallwarsjournal.com>, for pointing out the essential and integral nature of culture to the AR2 process.

7. Note that "balance" does not have to mean "equal." An appropriate way to think of the system in which AR2 takes place is one of equilibrium, in which one or more of the separate dimensions may be larger (more important) than another, but where the system itself is in balance. Each case will have its own unique distribution of the dimensions laid out here as the general AR2 framework.

8. Civil society is notoriously hard to pin down. Representative authors whose work touches on the notion of civil society include Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2001); and Francis Fukuyama, "Social Capital and Civil Society," paper prepared for delivery at the IMF Conference on Second Generation Reforms, 1 October 1999, available online at <http://www.imf.org/external/pubs/ft/seminar/1999/reforms/fukuyama.htm>, accessed 20 September 2007.

9. Many of these metrics can be captured under the rubric of "civic culture." Another way of saying that a society is politically receptive to reconciliation is to say that is has a well-developed civic culture. For the original conception of civic culture, see Almond and Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton, NJ: Princeton University Press, 1963), and its revision as *The Civic Culture Revisited: An Analytic Study* (Boston: Little, Brown & Co., 1980).

10. U.S. Army Field Manual 3-0, *Operations* (Washington, DC: Government Printing Office [GPO]), 1-16.

11. See, among others, Albrecht Schnabel and Hans-Georg Ehrhart, "Post-conflict Societies and the Military: Challenges and Problems of Security Sector Reform," in *Security Sector Reform and Post-Conflict Peacebuilding*, eds. Schnabel and Ehrhart (Tokyo, New York, Paris: United Nations University Press, 2006).

12. Department of Defense (DOD) Directive 3000.05, "Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations," 28 November 2005.

13. DOD Directive 3000.05, paragraphs 4.1-4.3.

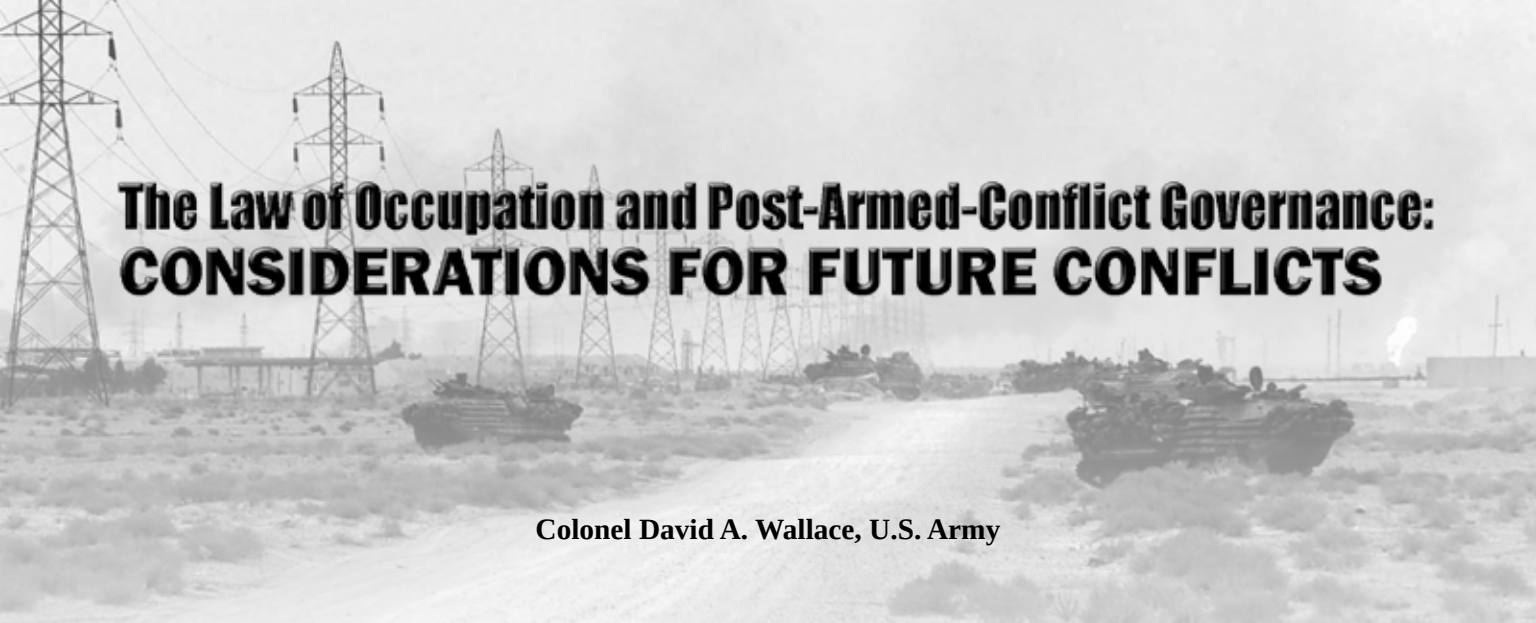
14. See William Flavin, "Planning for Conflict Termination and Post-Conflict Success," *Parameters* (Autumn 2003): 95. There is substantial literature on conflict termination, ranging from classic works like Fred Charles Iklé, *Every War Must End* (New York: Columbia University Press, 1971) to more recent articles like K.R. Sorfleet's "War Termination," *Defence Studies* 1, no. 1 (Spring 2001), 49-74. For the most thorough and up-to-date online bibliography of the resources available, see <http://www.au.af.mil/au/aul/bibs/conflict07.htm>.

15. Joint Publication (JP) 3-0, *Joint Operations* (Washington, DC: GPO, 17 November 2006), xii.

16. JP 5-0, *Doctrine for Planning Joint Operations* (Washington, DC: GPO, 26 December 2006).

17. JP 3-0, xii.

18. "What is DDR?" United Nations website, <http://www.unddr.org/whatisddr.php>, 12 September 2007.



The Law of Occupation and Post-Armed-Conflict Governance: CONSIDERATIONS FOR FUTURE CONFLICTS

Colonel David A. Wallace, U.S. Army

Judge advocates provide commanders and their staffs legal advice on the application of occupation law in specific instances in military operations. This article provides an overview of some fundamental principles of occupation law to help commanders and their staffs appreciate, understand, and better prepare for future operations. It is not intended, in any way, to be a substitute for the legal advice provided by their servicing judge advocates. The statements, opinions, and views expressed herein are those of the author only and do not represent the views of the United States Military Academy, the Department of the Army, or the Department of Defense.

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PHOTO: The Marines of Regimental Combat Team 5 move north from Kuwait to Iraq, 22 March 2003. (U.S. Marine Corps photo by Sergeant Kevin R. Reed)

BEFORE THE ONSET of Operation Iraqi Freedom, occupation law occupied a rarely discussed, long neglected, and seldom trained place on the spectrum of support to military operations. Not since the end of World War II had the U.S. military undertaken the immense responsibility of governing/administering an occupied territory for a prolonged period. Lack of familiarity with the concept and the responsibilities that go along with it led to great initial problems with the occupation. These problems were exacerbated when the government prohibited U.S. personnel from using the term "occupation" to describe the status quo (instead, occupation was referred to as "the O word").[1]

On 19 March 2003, the United States, the United Kingdom, and a few other members of the "coalition of the willing" began Operation Iraqi Freedom by invading Iraq.[2] Combat actions commenced with a massive wave of "shock and awe." Coalition forces launched cruise missile attacks and F-117 strikes intended to decapitate the Iraqi regime and break the will of the Iraqis to fight for Saddam Hussein and the Ba'ath Party.[3]

Early on the morning of 20 March, coalition ground forces entered Iraq in large numbers, thundering toward Baghdad, the southern oil fields, and other strategic locations.[4] More units quickly followed. Seared into our collective memory are media accounts from reporters embedded with U.S. ground forces as they drove through near-blinding sandstorms, pressing their way to Baghdad.[5]

By early April, Army and Marine Corps units closed on the Iraqi capital. The attack into and sweep through Baghdad were punctuated by periods of intense fighting. By 9 April, all coherent resistance in Baghdad had collapsed.[6] On 1 May, President George W. Bush landed in a Navy combat aircraft on the USS *Abraham Lincoln* off the coast of southern California.

With a large "Mission Accomplished" banner in the background, Bush announced the end of major combat operations in Iraq. The United States and its allies had prevailed in taking down the regime.[7]

In the immediate aftermath of the invasion, Bush appointed a retired U.S. Army general, Jay Garner, as director of the Office for Reconstruction and Humanitarian Assistance for Iraq. Bush soon replaced Garner with L. Paul Bremer III, and named Bremer his special envoy to Iraq. In that capacity, Bremer served as administrator of the Coalition Provisional Authority (CPA). The CPA was supposed to run Iraq until a sovereign Iraqi government could be reestablished.[8]

Coalition leaders avoided the label "occupation" to describe Iraq's post-conflict governance. Instead, they portrayed the coalition-force action as a "liberation."[9] Notwithstanding the political, legal, and cultural baggage associated with an occupation, there was no question that once coalition forces ousted Saddam Hussein's Ba'athist regime and exerted authority over Iraq, the law of occupation applied.[10]

One of the by-products of Operation Iraqi Freedom and its aftermath was reinvigoration and reconsideration of the law of occupation, a long-standing subset of the Law of Armed Conflict. All Soldiers involved in an invasion and control of enemy territory need to understand the law of occupation. Because it is inextricably linked to the planning and execution of military operations, the law is vital to success. This article aims to increase that understanding.

The Law of Occupation: Background, Legal Framework[11]

Armed conflicts are regulated by a body of international law known alternatively as the Law of War, the Law of Armed Conflict, or international humanitarian law.[12] At its core, the Law of Armed Conflict is primarily concerned with humanitarian aims. That is, it exists to mitigate the evils of armed conflicts.[13] Although the basic principles and customary practices embodied in the Law of Armed Conflict evolved to their present states over millennia based on the conduct and beliefs of state parties,[14] it has only been a little over a century since these norms were first memorialized into international agreements among states.[15]

The principles that constitute the law of occupation are a discrete subset of the Law of Armed Conflict.[16] More specifically, the law of occupation is embodied in selected provisions of the Annexed Regulations to Hague Convention IV of 1907,[17] the Fourth Geneva Convention of 1949,[18] and customary international law. The U.S. Army's authoritative guidance on the law of occupation is contained in Field Manual (FM) 27-10, *The Law of Land Warfare.*[19]

From a historical perspective, World War II marked the most significant benchmark in the development of occupation law. The Axis powers patently failed to adhere to their fundamental obligations as occupying powers in accordance with the Hague Regulations and customary international law then in effect. It has been argued that atrocities committed by the Axis powers in occupied territories during World War II contributed significantly to their defeat.[20] The Axis powers, however, were not alone in violating basic norms of occupation law during World War II. The Soviets also violated occupation law.[21] The consequences of that behavior led to unprecedented civilian suffering in occupied territories. In 1949, the international community responded with the Fourth Geneva Convention, which amplified and strengthened the basic protections of occupation law.[22] Put another way, the provisions of the convention related to occupation law reflect the bitter experiences of civilian populations in occupied territories during World War II.[23]

Now, commanders and their staffs must know when they have embarked on an occupation subject to international law. The law is triggered when a successful invader establishes firm control over enemy territory.[24] Framed in a slightly different manner, there are two elements that are necessary to establish an occupation under international law. First, there must be an invasion, resisted or unresisted, in which the invader has rendered the invaded government incapable of publicly exercising its authority over the territory or part of the territory.[25] Second, the invader has substituted its own authority for that of the former government of the invaded country.[26] During an occupation, whether total or partial, the entirety of the Geneva Conventions applies to the warring parties.[27]

By way of illustration, in 2003 the United States and the United Kingdom acknowledged, albeit indirectly, their obligations in Iraq under the law of occupation. In a joint letter to the UN Security

Council dated 8 May 2003, the two lead members of the coalition of the willing announced that—

> The States participating in the Coalition will strictly abide by their obligations under international law, including those relating to the essential humanitarian needs of the people of Iraq. . . . In order to meet these objectives and obligations in the post-conflict in Iraq, the United States, the United Kingdom and Coalition partners, acting under existing command and control arrangements through the Commander of Coalition Forces, have created the Coalition Provisional Authority, which includes the Office of Reconstruction and Humanitarian Assistance, to exercise powers of government temporarily, and, as necessary, especially to provide security, to allow the delivery of humanitarian aid, and to eliminate weapons of mass destruction.[28]

As the Hague Regulations make clear, an occupation extends only to the portion of the territory in which the occupying power has established authority and can exercise that authority and control.[29] Accordingly, if an army occupies only a portion of a country it invades, occupation law applies only to that portion.

The commencement of an occupation is a matter of fact.[30] The reality on the ground determines legal status. It does not matter what the occupying or occupied power labels its action (e.g., liberation, offensive, incursion, or something else). Moreover, there is no strict legal requirement to proclaim an occupation underway.[31] It is prudent, however, to make the occupation known to the inhabitants of the affected territory because of the rights and obligations that flow between the occupying and occupied powers.[32] The United States routinely proclaims the commencement of an occupation. For example, during Operation Iraqi Freedom, the CPA[33] issued the following proclamation:

> 1) The CPA shall exercise powers of government temporarily in order to provide for the effective administration of Iraq during the period of transitional administration, to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their own political future, including by advancing efforts to restore and establish national and local institutions for representative governance and facilitating economic recovery and sustainable



U.S. Army, SPC Derek Gaines

The "O" Word? Soldiers of the 3d Infantry Division conduct a security patrol through the streets of Fallujah, Iraq, 20 June 2003.

> reconstruction and development.
> 2) The CPA is vested with all executive, legislative and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war. This authority shall be exercised by the CPA Administrator.[34]

Likewise, during World War II, General Dwight Eisenhower issued Proclamation Number 1, whereby he announced the Allied occupation of Germany.[35]

For U.S. Army planners, the transition from Phase III to Phase IV of an operation will likely be the point at which an occupation begins, thus triggering duties and obligations under occupation law. It is possible, perhaps even likely, that hostilities will continue in some areas of an invaded territory and not others. As such, forces may undertake their obligations as an occupying power in some areas while still engaging in combat in others. This happened in World War II with the invasion of Germany.[36] Planners should therefore consider not only how they are going to reorient forces from an invasion to an occupation, but when that is likely going to occur. Prior consideration is important to facilitate the transition at a critical time in the operation.

Of utmost importance to understanding occupation law is the underlying concept that an occupation does not transfer sovereignty to the occupying power. Stated differently: "The foundation upon which the entire law of occupation is based is the principle of inalienability of sovereignty through the actual or threatened use of force."[37] Thus, an occupation is only a temporary trusteeship with certain attributes of sovereignty suspended or limited.[38] Arguably, the CPA's focus on restoring full sovereignty to the Iraqi people as early as possible illustrates this point.[39]

A corollary to the inalienability of sovereignty is that it is unlawful under international law for an occupying power to annex the territory of the country it is occupying.[40] One example of an attempted unlawful annexation occurred when Saddam Hussein invaded Kuwait and announced the merger of the two countries.[41] The UN Security Council quickly condemned the action as illegal and declared it null and void.[42] An occupying nation only has the right to exercise some of the powers incident to sovereignty.[43]

Under international law, an occupation terminates upon reestablishment of sovereignty in the occupied part of a country.[44] The Geneva Conventions anticipate that an occupation shall not last more than one year after the general close of military operations.[45]

Authority and Obligations of an Occupier

The authority of an occupying power is firmly rooted in international law. Hague Regulations IV, article 43, states that—

> The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

This provision highlights a couple of vital points that commanders and their staffs should know about occupation law. First, an occupying power bears responsibility for restoring and maintaining public order and safety in the occupied territory. The breakdown of law and order, the shameful looting of stores, hospitals, and cultural facilities, and the revenge killings and general lawlessness[46] in sections of Iraq at the commencement of the coalition's occupation demonstrate how difficult it can be to meet this obligation.[47] From a military planner's perspective, two key considerations to ensure public order and safety are force size and capabilities. It is crucial for an occupying power to have sufficient, properly trained forces on the ground in a timely manner to secure the occupied territory.

Second, there is an affirmative obligation to respect and maintain the occupied power's existing legal framework. This clear-cut rule is tempered by an escape clause—"unless absolutely prevented"[48]—and by a slight modification to the Fourth Geneva Convention that permits suspension or repeal of an occupied country's penal laws when they constitute a threat to security or an obstacle to application of the convention.[49] U.S. Army doctrine reinforces these international obligations. More specifically, the governing field manual declares—

> In restoring public order and safety, the occupant will continue in force the ordinary civil and

> penal (criminal) laws of the occupied territory except as authorized by Article 64 . . . GC and Article 43 HR . . . to alter, suspend, or repeal such laws. . . . These laws will be administered by the local officials as far as practicable. Crimes not of a military nature and not affecting the occupants' security are normally left to the jurisdiction of the local courts.[50]

To suspend or repeal the occupied power's laws, local or national, there has to be a nexus between the offending law and an issue related to the security and safety of the occupying powers' armed forces, the accomplishment of the mission, or compliance with international law.[51] Examples of such offending laws may include the right to bear arms, the right to assemble and protest, freedom of movement, and discrimination based upon some suspect classification.[52]

In a related point, a long-standing principle of occupation law forbids the abolition or suspension of local, ordinary courts.[53] Accordingly, military planners should anticipate using the occupied territory's courts, when feasible.[54] Such courts should be suspended only if judicial officials abstain from performing their functions, the courts are corrupt and unfairly constituted, or the local courts collapsed during the hostilities.[55] During World War I, Germany occupied Belgium from 1914 to 1918.[56] The Germans did not disturb the local court system and left its jurisdiction largely intact.[57] In Iraq, the CPA established the Central Criminal Court of Iraq. In a notice published on 18 June 2003, it proclaimed—

> The CPA has taken steps to meet the urgent security needs of the people of Iraq and Coalition Forces by creating a Central Criminal Court of Iraq. This court *will apply and operate under Iraqi law*, as amended to ensure fundamental fairness and due process for accused persons, and will be modeled on the current Iraqi court system. The Central Criminal Court will consist of an Investigative Court, a Trial Court and an Appeal Court, with the right of further appeal to the Iraqi Court of Cassation. *The judges and prosecutors will be locally selected Iraqis.* The Court will deal with serious offenses that most directly threaten the security and civil order in Iraq. This interim measure will address the immediate need for a reliable and fair system of justice. The CPA will continue to assist in restoring the capability of the Iraqi court system, as it recovers from years of Iraqi Ba'ath Party abuse and perversion. In tandem with this measure the CPA has modified the Criminal Procedure Code to accord the people of Iraq fundamental due process protections and shield them from human rights violations. The CPA has also introduced provisions ensuring that persons detained by Coalition Forces are treated in accordance with international law and receive prompt justice before Iraqi courts. (Emphasis added.)[58]

Alternatively, an occupying power may use nonpolitical, military, or provost courts, but such courts should be limited to trying violations of occupation provisions or regulations. The World War I Belgium example illustrates this principle as well. German courts tried cases that involved German nationals in matters that did not involve the interests of Belgians.[59] Additionally, violations of occupation law or crimes against German personnel were tried at tribunals established by the Germans.[60]

Under certain circumstances, an occupying power may issue its own laws and regulations. If it publishes such laws, it must provide notice to the inhabitants of the occupied territory.[61] Laws must be published in writing in the language of the inhabitants of the occupied power,[62] and the laws must not be applied retroactively.[63] Moreover, in accordance with general principles of law, penalties must be proportionate to any offense.[64]



DOD

Former President of Iraq Saddam Hussein makes a point during his initial interview by a special tribunal, where he was informed of his alleged crimes and his legal rights, 1 July 2004. In accordance with the law of occupation, Saddam was tried in an Iraqi, not an American, court.

Commanders should be aware that U.S. Army doctrine explicitly provides that U.S. military and civilian personnel taking part in an occupation are not subject to the local laws or the jurisdiction of local courts.[65] In Operation Iraqi Freedom, the CPA went a step further, promulgating an order that exempted contractors from Iraqi legal processes for acts performed pursuant to the terms and conditions of their contract or any subcontract.[66]

Besides issues related to the courts and legal system of the occupied territory, there are a number of critical issues associated with the administration of occupied territory.[67] As mentioned earlier, the Hague Regulations reinforce the point that an occupying power's primary duty is to restore and maintain public order.[68]

Military planners should be acutely aware that in administering an occupied territory, the occupying power may withdraw from individuals the right to change their residences, restrict freedom of movement, forbid visits to certain areas, prohibit emigration and immigration, and require all individuals to carry identification cards.[69] Obviously, such actions should never be undertaken lightly. Censorship, another permissible act, is potentially contentious, especially when the occupying power is a democratic country whose own citizens enjoy freedom of speech and a free press. An occupier is not required to observe existing laws regarding the press. Field Manual 27-10 anticipates this issue. It provides that an occupying power may establish censorship of the press, radio, theater, motion pictures, and televisions; of correspondence; and of all other means of communications. Specifically, an occupying power may prohibit entirely the publication of newspapers or prescribe regulations for their publication and circulation.[70]

During the occupation of Iraq, the CPA ordered the closure of a newspaper, *Al-Hawza*, run by Muqtada al-Sadr, a militant Shi'ite cleric. Al-Sadr was a harsh critic of the occupation, and the newspaper was shut down for inciting violence by printing fabrications and wild rumors about the coalition.[71]

Another very contentious issue involves the practice of religion. An occupying power must permit the freedom of religion in occupied terrority.[72] The Geneva Conventions stipulate that an occupying power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.[73]

In terms of funding for an occupation, the economy of an occupied territory can only be required to pay for the expenses of the occupation. These costs should not be more than the economy of the country can reasonably be expected to bear.[74] Needless to say, taxing the population in an occupied territory can be a potential flash point. According to the Hague Regulations—

> If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.[75]

An occupying power may also regulate commercial activities essential to the purposes of the occupation.[76] In post-conflict Iraq, the CPA assisted the Iraqis in developing a market-based economy by modernizing their central bank, developing transparent budgeting and accounting arrangements, drafting labor and intellectual property laws, updating existing commercial codes, and promoting private business through their banking sector.[77]

Rights of the Occupied Population

To set a threshold, the 1949 Geneva Conventions define a category of individuals (i.e., "protected persons") who receive specific protections during an occupation. Protected persons are, for one, those who find themselves in the hands of a foreign occupying power.[78] Rights and protections under occupation law are focused on "protected persons" because other individuals can seek redress through normal diplomatic channels. Regarding the status and treatment of protected persons, the Geneva Conventions provide that—

> Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.



U.S. Air Force, SSGT Shawn Weismiller

Protect the vulnerable: Iraqi children watch as U.S. Army Soldiers from the 3d Infantry Division set up an access control point at a combined medical operation triage site, Hollandia, Iraq.

> Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. Without prejudice in the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same considerations by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion, or political opinion.[79]

In addition to these sweeping guarantees, specific guarantees are provided to vulnerable groups and individuals. For example, individual or mass forcible transfers, as well as deportations of protected persons from occupied territory, are prohibited regardless of motive.[80] An occupying power may, however, undertake total or partial evacuation of a given area if the security of the population or imperative military reasons dictate such actions.[81] Given the experience of World War II with massive relocation of civilian populations by the Nazis, it is not at all surprising that the Fourth Geneva Convention includes such a provision.

Needless to say, children are particularly vulnerable in an occupation. Consequently, occupation law provides specific protections for them under certain circumstances. Occupying powers are obligated to ensure that institutions devoted to the care and education of children work properly.[82] They also are required to take all necessary steps to facilitate the identification and registration of parentage.[83] Nor shall they hinder preferential treatment for children younger than 15, expectant mothers, and mothers of children under 7 in terms of food, medical care, and protection against war's effects.[84]

Other protections afforded to protected persons during an occupation have to do with food and medical supplies,[85] hygiene and public health,[86] spiritual assistance,[87] and relief services. If the population of an occupied territory needs supplies (e.g., food, clothing, and medical supplies), an occupying power is obligated to coordinate relief schemes through other states or the International Committee of the Red Cross.[88] Such supplies must be allowed in and protected by the occupying power.[89] By way of illustration, among other measures to improve the quality of life for the Iraqi people, the CPA attempted to rebuild and repair infrastructure, maintain oil production, ensure food security, improve water and sanitation infrastructure, and improve health care quality and access.[90]

Status of Property and Services

There are some basic principles occupation Soldiers need to understand and appreciate about state and private property in an occupied territory. First, an occupying power is prohibited from destroying real or personal property unless military operations absolutely require it.[91] Regarding state property, an occupying power serves as administrator and conservator of public buildings, real estate, forests, and agricultural estates belonging to the occupied power. Such property must be protected and properly administered.[92] If the property is of a military nature (e.g., forts, arsenals, dockyards, barracks, etc.), the occupying power may control it until the close of hostilities and may damage or destroy it if required by military necessity.[93]

As a general rule, it is impermissible to confiscate private property.[94] The prohibition applies not only to the taking of property, but also to any acts that, by use of threats, intimidation, or pressure, permanently or temporarily deprive an owner of his property.[95] The law of occupation does, however, permit the *requisitioning* of private property. Occupying powers may seize such property as cables, telephone plants, radio and TV equipment, motor vehicles, railways, plants, port facilities, ships in port, barges, and airfields provided that it gives the

owner a receipt and eventually returns the property or offers fair compensation for it.[96]

An occupying power may requisition commodities and services such as fuel, food, clothing, building materials, machinery tools, and billeting for troops, among other things.[97] As mentioned previously, requisitions of food and medical supplies are only permissible provided the needs of the civilian population have been taken into account. Additionally, the occupying power must pay fair value for such goods or services.[98]

Although it may be somewhat self-evident, an occupying power may not compel protected persons to serve in its armed forces or otherwise provide services in support of military operations.[99] Protected persons over the age of 18, however, may be required to do work necessary to assist the occupied population. For example, they may be required to assist with public utility services, the feeding and transporting of protected persons, or the provision of health care assistance to the population.[100] Professionals and public officials such as engineers, physicians, and employees of public utilities who can make significant contributions to the welfare of the population in an occupied territory may be made to work by an occupying power—but again, only on behalf of the population.

Security in an Occupied Territory

Security will likely be of paramount concern for any occupying power. The law of occupation mandates reciprocal obligations for both occupying and occupied powers to aid in establishing a safe, secure environment for all parties to the occupation.[101] Occupying powers can demand obedience from the inhabitants of an occupied territory to ensure the security of its forces, the maintenance of law and order, and proper administration of the territory.[102] The population of an occupied territory is to behave in a peaceful manner, take no part in hostilities, and refrain from acts meant to harm the occupying force.[103] Military authorities in an occupied territory are allowed to perform police functions and protect their own forces. They also have broad latitude in creating a secure environment: among other things, they are permitted to restrict freedom of movement, hold individuals incommunicado for limited periods (under exceptional circumstances), and intern protected persons.[104] There are limits, though. Occupying powers are not permitted to engage in physical or moral coercion, particularly to obtain information; deportations; collective punishments; and acts of brutality.[105] Moreover, they may only impose the death penalty on protected persons convicted of espionage, serious acts of sabotage against military installations, or intentional offenses that cause the death of one or more persons.[106]

Lastly, an occupying power may only pronounce sentence after a regular trial.[107] Accused persons have the right to present evidence, to call witnesses, to be represented by a qualified counsel or advocate of their choice, to have the services of an interpreter, and to appeal.[108]

Considerations for the Future

There are several key lessons and considerations for commanders and staffs regarding the application of occupation law. Generally, the lessons can be grouped in terms of planning, training, and following.

Although far from perfect, the occupation of western Germany by the victorious Allies after World War II was one of the most successful military occupations in history. It was a monumental task by any measure, as this description of Germany in May 1945 attests:

> Scenes of utter devastation greeted the occupiers. Germany's industry lay in ruins. Housing was in short supply in the bombed-out cities. The specter of famine during the coming winter loomed. Simultaneously, one of the great population upheavals of all time occurred. Over six million displaced persons from all over Europe suddenly were free to make their way back to their homelands. Untold millions of German refugees streamed west seeking sanctuary from advancing Soviets. Allied troops disarmed, scrutinized for possible involvement in war crimes, and then released over five million German military and paramilitary personnel to return to where they enlisted.[109]

Planning for the occupation of Germany began in 1943. Such forward thinking was particularly noteworthy because the outcome of the war was anything but certain at that point. Detailed planning for future occupations should include, among other things, the careful consideration of an occupying power's obligations under international law,

because such obligations are inextricably linked to the administration of the occupied territory.

In contrast to Germany in 1945, critics of the Iraq war point to inadequate plans and faulty assumptions as the genesis of many of the overarching problems associated with the occupation. Good planners would certainly have considered the obligations and responsibilities mandated by occupation law, and they would have taken steps to ensure those obligations and responsibilities could be met. Instead, key leaders disregarded the Army chief of staff's advice about the troop level needed to occupy Iraq; military officers and career diplomats were excluded from occupation planning; and a State Department study on the challenges an occupation of Iraq would entail were simply ignored.[110] All these mistakes might have been avoided if leaders had taken the legal requirements of occupation into account.

A corollary to this point about planning (and execution) is that it should involve interagency and coalition partners, as well as multinational and private-sector actors. The Department of State has to be an integral part of this process. Other agencies also bring enormous value and expertise to any occupation. They need to be involved in the planning with the Army from the very outset to ensure that we comply with the requirements of occupation law. Moreover, we fight as coalitions and, therefore, one may reasonably assume that we will not occupy a territory alone. A unified effort involving close planning and coordination with all of the appropriate actors is critical to meeting our obligations.

A second consideration is training. Even though occupations should be interagency efforts, the military does the heavy lifting. Accordingly, members of the armed forces need to train appropriately. Training should occur at all levels of war—strategic, operational, and tactical—before the actual invasion.

The force that invades a country will likely be the force that occupies that country. The transition to occupation may happen concurrent with ongoing combat operations. In World War II, for example, as the Allies invaded Germany from the west, the terminal operation of the war (Overlord) overlapped with the initial occupation operation (Eclipse). Only through proper training can forces successfully reorient from a combat to an occupation role.

The occupation may also happen sequentially; that is, it may immediately follow the invasion and conquest of the enemy, as it did in Iraq in 2003. In either case, the forces of the occupying power must be adequately trained to assume those responsibilities even before the operation begins.

Lastly, our armed forces must abide by the law of occupation. As discussed above, many burdensome, expensive (in terms of personnel and resources), and time-consuming legal obligations and duties flow from being an occupying power. But if we fail to live up to our obligations, or we do so selectively, our actions will erode our legitimacy and standing in the international community. ***MR***

NOTES

1. *Forged in the Fire: Legal Lessons Learned during Military Operations, 1994–2006* (Center for Law and Military Operations, the Judge Advocate General's Legal Center & School, United States Army, September 2006), 84. Coalition leaders had another reason to avoid the word *occupation*. In Arabic, the word for "occupation" has a negative connotation because of the Israeli occupation of the West Bank and the Gaza Strip. Philip James Walker, "Iraq and Occupation," in *New Wars, New Laws? Applying the Laws of War in 21st Century Conflicts,* ed. David Wippman and Matthew Evangelista (Transnational Publishers, 2005), 260.

2. Walker, 263.

3. LTC Pamela Stahl et al., *Legal Lessons Learned from Afghanistan and Iraq,* Vol. I, *Major Combat Operations (11 September 2001–1 May 2003),* (Charlottesville, Virginia: Center for Law and Military Operations, the Judge Advocate General's Legal Center and School, United States Army, August 1, 2004), 26.

4. Ibid.

5. Thomas E. Ricks, *Fiasco: The American Military Adventure into Iraq,* (New York: Penguin, 2006), 124–25.

6. Stahl et al., 27–28.

7. Ricks, 145.

8. Walker, 263.

9. Ibid., 260.

10. Ibid., 262–63.

11. Eyal Benvenisti, *The International Law of Occupation* (Princeton: Princeton University Press, 1993), 3. Sometimes this area of law is referred to as the law of belligerent occupation. Benvenisti notes correctly that is not always entirely accurate. That is, an occupation can occur as a result of a threat of force or an armistice agreement without actual fighting. In his book, Benvenisti cites the example of the armistice agreement that gave the Allies control over the Rhineland in 1918.

12. *85th Law of War Deskbook*, International and Operational Law Department, (International and Operational Law Department, The Judge Advocate General's Legal Center and School, United States Army 2006), A-2.

13. Walker, 263.

14. *Army JAG School Deskbook*, A-2.

15. Gerhard von Glahn, *The Occupation of Enemy Territory* (University of Minnesota Press, 1957), 3.

16. Benvenisti, 3.

17. Hague Convention (HR IV) Respecting the Laws and Customs of War on Land and Its Annex (1907) [HR IV]. The post–World War II International Military Tribunal at Nuremburg, Germany, acknowledged that the Hague Regulations reflect customary international law binding on all states. Michael N. Schmitt, "The Law of Belligerent Occupation," Crimes of War Project: The War in Iraq, <http://www.crimesofwar.org/special/Iraq/news-iraq5.html>, accessed 28 September 2007.

18. Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) [GC IV].

19. FM 27-10, *The Law of Land Warfare* (Department of the Army, July 1956).

20. Morris Greespan, *The Modern Law of Land Warfare* (University of California Press, 1959), 209.

21. Benvenisti, 60, 67. In regard to the Soviet Union's violation of occupation law, the Molotov-Ribbentrop Agreement that resulted in the invasion and annexation of Poland in September 1939 was a patent violation.

22. Ibid., 59. It is important to note that the 1949 Geneva Conventions supplement the Hague Regulations, not replace or amend them.

23. Greespan, 211.

24. FM 27-10, para. 356.

25. FM 27-10, para. 355. The U.S. Army's field manual makes the point that, in order for the law of occupation to apply, the organized resistance must have been overcome and the invader must have taken measures to establish its authority. More specifically, it provides:

It is sufficient that the occupying force can, within a reasonable time, send detachments of troops to make its authority felt within the occupied district. It is immaterial whether the authority of the occupant is maintained by fixed garrisons or flying columns, whether by small or large forces, so long as the occupation is effective. The number of troops necessary to maintain effective occupation will depend on various considerations such as the disposition of the inhabitants, the number and density of the population, the nature of the terrain, and similar factors. The mere existence of a fort or defended area within the occupied district provided the fort or defended area is under attack, does not render the occupation of the remainder of the district ineffective. Similarly, the mere existence of local resistance groups does not render the occupation ineffective.

26. Ibid., para. 356.

27. GC IV, art. 2. This provision is referred to as common article 2. The term "common article" simply means that the exact provision is found as article 2 of each of the four Geneva Conventions.

28. *Forged in the Fire,* 85. On 22 May 2003, the UN Security Council adopted UN Security Council Resolution 1483. That resolution recognized the United States and the United Kingdom as occupying powers and admonished all concerned to comply fully with the law of occupation.

29. HR IV, art. 42; FM 27-10, para. 351.

30. FM 27-10, para. 355.

31. Ibid., para. 357.

32. Ibid.

33. *Forged in the Fire,* 87. The CPA under Ambassador Bremer was responsible for overseeing and coordinating all executive, legislative, and judicial functions to govern Iraq in the aftermath of the invasion. Such functions included, but were not limited to, humanitarian relief, reconstruction, and other governmental assistance.

34. Coalition Provisional Authority Regulation. No. 1 (16 May 2003), available at <www.cpa-iraq.org/regulations/20030516 CPAREG 1 The Coalition Provisional Authority.pdf>, accessed 18 August 2007.

35. General Dwight D. Eisenhower, proclamation, "Proclamation Number 1," *Army JAG School Deskbook*, M-2

36. Kenneth O. McCreedy, "Planning the Peace: Operation Eclipse and the Occupation of Germany," *Journal of Military History* 65, no. 3 (July 2001): 713–39.

37. Benvenisti, 5. In a very thought-provoking article, Adam Roberts, the Montague Burton Professor of International Relations at Oxford University, addresses the question of whether it is legitimate, within the existing framework of international law, for an occupying power, in the name of creating a democratic and peaceful state, to introduce fundamental changes in the constitutional, social, economic, and legal order of the occupied territory.

38. Michael N. Schmitt.

39. *Forged in the Fire,* 87.

40. Ibid. It should be noted that it is also prohibited for an occupying power to establish a puppet government, whether at the national or local level, to carry out acts that are otherwise unlawful if performed directly by the occupying power. FM 27-10, para. 366

41. Adam Roberts, "Applying the Laws of War and Human Rights," *American Journal of International Law,* 580 (2006): 583.

42. Ibid., citing Security Council Resolution 662, paragraph 1 (UN Security Council, SC Res. 662 [August 9, 1990], *ILM* 29 [1990]: 1327).

43. FM 27-10, para. 358.

44. *Army JAG School Deskbook*, M-4

45. GC IV, art. 6(2). Additional Protocol (AP) I, art. 3(b) omits the one-year period and simply states that the conventions apply to the termination of the occupation. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts. The United States has not ratified AP I.

46. Matthew Bogdanos, *Thieves of Baghdad* (New York: Bloomsbury Publishing, 2006). Bogdanos' book provides a first-hand account of efforts to recover priceless artifacts from Iraq, the cradle of civilization, that were looted during Operation Iraqi Freedom; Schmitt, "The Law of Belligerent Occupation."

47. Loretta Napoleoni, *Insurgent Iraq — Al Zarqawi and the New Generation* (New York: Seven Stories Press, 2005), 136.

48. Roberts, 587

49. GC IV, art. 64.

50. FM 27-10, para. 370.

51. *Army JAG School Deskbook,* M-5.

52. Ibid.

53. Hague Reg. IV, art. 23(h); FM 27-10, para. 372.

54. *Army JAG School Deskbook*, M-5

55. FM 27-10, para. 373.

56. Benvenisti, 32.

57. Ibid., 52.

58. Office of the Administrator of the Coalition Provisional Authority, public notice, "Regarding the Creation of a Central Criminal Court of Iraq and Adjustments to the Criminal Procedure Code" (June 18, 2003), available at <www.cpa-Iraq.org/regulations/>, accessed 28 September 2007.

59. Benvenisti, 52.

60. Ibid., 5.

61. *Army JAG School Deskbook*, M-6.

62. GC IV, art. 65.

63. *Army JAG School Deskbook*, M-6; GC IV, art. 67.

64. GC IV, art. 67.

65. FM 27-10, para. 374.

66.Coalition Provisional Authority Regulations No. 17, available at <www.cpa-Iraq.org/regulations/>.

67. Department of Defense, *Military Support to Stabilization, Security, Transition, and Reconstruction Operations Joint Operating Concept* Version 2-0 (December 2006), 47. This new joint guidance encapsulates some basic principles of occupation law. It provides, in part, as follows: The highest priority tasks for this civil administration will be the maintenance of law and order, which will be carried out in a manner that seeks to preserve the pre-existing legal order (where applicable), and care of the civilian population to ensure it receives adequate food, water, shelter, and medical treatment. Other key functions for this administration will include reconstituting essential public services and fostering the recovery of the national economy.

68. Hague Reg. IV, art. 43; FM 27-10, para. 363.

69. FM 27-10, para. 375.

70. FM 27-10, para. 377. The manual provides that the occupying power is not required to furnish facilities for postal services, but may take charge of them itself.

71. Hassan Fattah, "Keep freedom of press in Iraq," *USA Today,* 31 March 2004, <http://www.usatoday.com/news/>, accessed 25 September 2004.

72. GC IV, art. 64.

73. Ibid., art. 58. Citing GC IV, art. 64, the *Army JAG School Deskbook* highlights a finer point on this issue. It provides, in part, that clergy may not refer to politics or incite resistance.

74. FM 27-10, para. 364.

75. Hague Reg. IV, art. 48.

76. FM 27-10, para. 376. The field manual specifically comments that the commander of the occupying force will usually find it advisable to forbid activities between the occupied territory and territory still in the possession of the enemy.

77. *Forged in the Fire,* 89.

78. GC IV, art. 4. The article further provides: "Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are."

79. Ibid., art. 27.

80. GC IV, art. 49.

81. Ibid.

82. Ibid., art. 50. More specifically, occupying powers shall arrange for the maintenance and education (if possible, by persons of the same nationalities, religions, and languages) of children orphaned or separated from the parents. Ibid.; *Army JAG School Deskbook*, 84.

83. GC IV, art. 50; *Army JAG School Deskbook,* M-11.

84. GC IV, art. 50.

85. Ibid., art. 55, paras. 1 and 3; AP I, art. 14; *Army JAG School Deskbook,* M-12. Occupying powers have a duty to ensure the population has food and medical supplies, particularly if resources of the occupied territory are inadequate.

86. GC IV, art. 56; *Army JAG School Deskbook*, M-12. Occupying powers have a duty to ensure and maintain medical and hospital establishments and services of public health and hygiene in the occupied territory. In emergency situations regarding the care of military wounded and sick, occupying powers may requisition civilian hospitals provided that the occupying power arranges for the care of civilian patients. If, however, the materials and stores of the civilian hospitals are needed for the civilian population, the materials and stores cannot be requisitioned by the occupying power. GC IV, art. 57.

87. GC IV, art. 58. Occupying powers shall allow clergy to provide religious and spiritual assistance to their religious communities.

88. GC IV, art. 59; M-12.

89. GC IV, art. 61; AP I, art. 81; *JAG School Deskbook,* M-12. In recognition of this important obligation, the parties to the conventions are required to make every effort to ensure the transit and transport of relief supplies shall be exempt from charges, taxes, or customs duties.

90. *Forged in the Fire,* 87.

91. GC IV, art. 53.

92. Hague Reg. IV, art. 55; *Army JAG School Deskbook,* M-14.

93. FM 27-10, para. 401; *Army JAG School Deskbook,* M-14.

94. Ibid.

95. FM 27-10, para. 401.

96. GC IV, art. 51; FM 27-10, para. 410a.

97. FM 27-10, para. 412b.

98. GC IV, art. 55.

99. GC IV, art. 51; FM 27-10, para. 420.

100. GC IV, art. 51.

101. Department of Defense, *Military Support to Stabilization, Security, Transition, and Reconstruction Operations Joint Operating Concept,* provides excellent insight and guidance on considerations for stability and support operations.

102. *Army JAG School Deskbook,* M-19.

103. FM 27-10, para. 432.

104. GC IV, arts. 27, 42, 43, 49, 64, 66, and 78.

105. GC IV, arts. 31, 32, 33, and 49.

106. GC IV, art. 68.

107. GC IV, art. 72.

108. Ibid.

109. McCreedy, 713–39.

110. Lawrence J. Korb, "The Cost of Failing to Plan," Center for American Progress: National Security, <www.americanprogress.org/issues/2004/03/b38979.htm.>, accessed 25 September 2007.

The Preemption of Nuclear Weapons

Tim Bakken

NO LEGAL DOCTRINE allows any nation to use force against an adversary that is developing nuclear weapons. The question for the international community is whether this prohibition has increased the risk of war. The United Nations Charter allows a nation to use force only if defending against an armed attack, regardless of the attack's destructive potential.[1] Yet, the danger inherent in Iran's or North Korea's possession of nuclear weapons probably exceeds the risks associated with an armed attack by a nation with only conventional weapons, the greatest threat when the UN Charter was adopted in 1945. Under an expansive reading of the charter, a nation might use force to resist an adversary's *imminent* attack instead of having to wait until being attacked, but neither the charter nor any traditional provision in international law would allow the use of force against any nation planning or supporting a more distant nuclear attack, regardless of the nuclear attack's potential destructiveness and certainty.

As an alternative, a doctrine of *nuclear preemption* could authorize force based on the danger a nation presents rather than on how soon that nation might attack. The new doctrine would recognize that nations involved in nuclear weapons development and the commission of grave crimes (aggression, crimes against humanity, genocide, or war crimes) are more dangerous than nations with conventional weapons planning imminent attacks or conducting attacks. Different from the murky concepts of *preemption*, *prevention*, and *anticipatory self-defense*, nuclear preemption would clarify under what circumstance, beyond self-defense, a nation can use force. It would provide a means to deter unstable leaders who intend to use nuclear weapons or transfer them to terrorists as soon as they possess them. A nuclear preemption doctrine would also cut down, paradoxically, on the number of instances in which force is used, for in the absence of such doctrine, countries have decided for themselves when it was right to use force—and they have not always done so legally. A clearly stated doctrine would not allow aggressive countries to manipulate the gray areas of current doctrines.

Modern Dangers and Traditional Law

When the UN Charter was adopted in 1945, only the United States possessed nuclear weapons. In 1953, the Soviet Union and the United States introduced thermonuclear weapons, hydrogen bombs, thus increasing significantly the devastation each nation could inflict. In 1957, they introduced intercontinental ballistic missiles. Self-defense under the charter—that is, a nation can use force to defend itself once an attack is imminent or has begun—perhaps still had relevance. A missile launched by either the Soviet Union or the United States might not reach its target for 18 to 30 minutes—enough time to begin a nuclear counterattack.[2] In assessing the legality of nuclear weapons use,

This article expands on a piece by the author, "Averting Catastrophe: Combating Iran's Nuclear Threat," which appeared in the Harvard International Review, *volume 29 (2) (Summer 2007). Portions of that article are reprinted herein by permission of the* Harvard International Review, *which reserves all reprint rights to that article.*

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the UN's International Court of Justice issued an advisory opinion in 1996 indicating that a nation might be justified in using nuclear weapons in order to save itself.[3] The court's decision seemed to ratify the Cold War doctrine of mutually assured destruction. A nation facing a devastating nuclear attack would be justified in responding with a defensive nuclear strike of its own before the adversary's first nuclear missile hit its target. Of course, the victim nation had to be able to launch before its adversary's missiles struck home.

In 1998, the usefulness of self-defense eroded when Pakistan announced it possessed nuclear weapons. With missile technology acquired from China and North Korea, Pakistan and India (which already possessed nuclear weapons), because of their close geographic proximity, were then capable of attacking each other—perhaps inflicting a first and decisive blow—before the other nation could respond with defensive force. If a nation has no ability to use defensive force prior to being destroyed, then a nation has no effective means to deter an aggressor, and thus self-defense—do not defend unless attacked or facing an imminent attack—provides no protection.

In effect, international law and the UN Charter have adopted self-defense principles that, while applicable in domestic situations where two persons might be fist-fighting, are probably inapplicable to conflicts involving nuclear weapons.[4] Often, domestic law requires that a victim retreat before using defensive deadly force.[5] It always requires an imminent threat before a victim may use force.[6] Although not required to do so, a nation could retreat once attacked with conventional weapons and later counterattack or seek assistance from the Security Council. However, if attacked by nearby nuclear missiles, a nation has no avenue of retreat and no ability to use defensive force prior to the impact of the missiles. For example, Iran's Shahab-3 missile can probably travel the 1,000 miles from Tehran to Tel Aviv in under 10 minutes.[7] Israel would have no means to retreat or counterattack prior to impact, and the devastation—blast, heat, and radiation damage—would severely limit or prevent defensive responses after impact.

After sustaining a nuclear attack, Israel's defensive options would be limited further by the domestic[8] and international[9] principle that any response must be necessary and proportional. That principle permits a defender to use only the minimum force necessary to repel an attack. An attack on an adversary's city would be unnecessary to defend against nuclear missiles hidden in silos and caves in the desert. An attack on civilians is inherently illegal. If Iran launched one nuclear missile and then *surrendered*, Israel would have no justification to use any force against Iran because Israel would not face any imminent threat. Under no circumstances would Israel, with a population of 7 million, have any ability to use conventional weapons to invade or occupy Iran, with a population of 70 million.

Under the self-defense doctrine, Israel has no legal right to use force to respond to Iran's development of nuclear weapons. If Iran develops and uses or transfers nuclear weapons to terrorists, Israel has few practical options. It could increase its stock of 100 to 200 nuclear weapons, but even with that arsenal it has been unable to deter Iran from building nuclear weapons and supporting terrorism against Israel for over 20 years.[10] In theory, Israel could request that the Security Council authorize force against Iran prior to Iran's acquisition of nuclear weapons. The gesture would be futile, however, because at least two permanent council members would veto any action. China provides missile technology to Iran in exchange for oil. Russia provides Iran with nuclear technology and missiles, including the advanced TOR-M1 system, designed to attack fixed and rotary aircraft, which Israel would depend on heavily in any conflict with Iran.

Nations and Leaders Who Cannot Be Deterred

The international community should consider that the leaders of some nations cannot be deterred from using the weapons they possess or, in the modern era, from transferring nuclear weapons to terrorists. Iran has engaged in over two decades of state-sponsored terrorism, which continues today as its nuclear development approaches top speed. In its 2006 "Country Reports on Terrorism," the U.S. State Department concluded that Iran remains the most active state sponsor of terrorism and is involved with terrorist groups or activities in Iraq, Israel, Lebanon, and Syria.[11] It is alleged that currently Iran runs suicide terrorist units.[12] Most believe that in 1983, Iran supported the suicide bombings of the American

Embassy, the Marines' headquarters, and the French army barracks in Beirut, leaving 174 dead and 175 wounded. Throughout the 1980s, Iran attacked commercial shipping in the Persian Gulf and organized the taking of Western hostages. In the 1990s, it bombed a Jewish cultural organization and the Israeli Embassy in Argentina; bombed the United States military barracks in Saudi Arabia; and assassinated its own former prime minister, Shapur Bhaktiar, in France. In 2002, it shipped 50 tons of explosives to Yasser Arafat's Fatah movement. Through 2006, it provided Hezbollah with up to 13,000 short-range missiles to launch indiscriminately toward Israel's civilian population. At one time or another, Iran has supported Hezbollah, Islamic Jihad, Al-Aksa Martyrs, Palestinian Islamic Jihad, Al-Qaeda, the Kurdistan Workers' Party, and Hamas.[13]

Iran is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, under which nonnuclear nations pledge not to develop nuclear weapons and the first five nuclear-weapon states (United States, Russia, China, France, and the United Kingdom) promise to work toward the elimination of their nuclear weapons. But Iran has violated its treaty obligations by concealing its nuclear program for 20 years from the International Atomic Energy Agency, the UN organization charged with ensuring that nuclear technology is only used peacefully.

In 2002, Iranian dissidents exposed the existence of a large, secret uranium-enrichment facility at Natanz. Thought to represent the final of three stages of Iran's enrichment program, this facility has a capacity to operate up to 50,000 gas centrifuges (necessary for enrichment) and produce uranium for either commercial applications or nuclear weapons.[14] In its western desert, at Arak, Iran is building and seeking international support for a heavy-water nuclear reactor capable of producing plutonium.[15] A heavy-water reactor uses water containing a higher-than-normal proportion of deuterium oxide, which is better than light-water, or ordinary water, at slowing neutrons so as to convert natural uranium into more powerful plutonium. A light-water reactor would be sufficient to allow Iran to attain its publicly stated goal of producing radioactive isotopes for use in medical treatments. Additionally, Israeli spies have claimed that in the summer of 2006 Iran tested a trigger device for a nuclear bomb.[16]

Iran's nuclear weapons program and ambitions are difficult to deter because no one knows what its preeminent values are. Perhaps its president, Mahmoud Ahmadinejad, was speaking only for domestic audiences or only to gain a deterrent advantage in the Middle East when he claimed in 2005 that "Israel must be wiped off the map."[17] Given that Israel presents no strategic danger to Iran, Ahmadinejad's threats appear irrational because their main basis seems to lie only in Iran's religious antipathy toward Israel. Deterrence requires that nations have similar values and reason



REUTERS, Raheb Homavandi

The Natanz uranium enrichment facility, south of Tehran, 30 March 2005. Iranian President Mohammad Khatami took a group of journalists deep underground into the heart of the nuclear plant. Washington wants Iran to dismantle the formerly clandestine plant.

similarly when confronting the same situation. How can it work with Iran, whose motivation is either unknown or irrational?

It is probable that Iran, given its religious values, simply reasons differently than the West. Among all nations, only Iran has simultaneously denounced Israel, developed nuclear weapons, and sponsored terrorism—all under a government controlled by religious leaders.[18] As such, it would be extremely dangerous to ignore Iran's apparently reckless and irrational nuclear weapons development and its threats and promises to destroy Israel. Iran's behavior might be perfectly consistent with developing and using nuclear weapons or transferring them to terrorists.

Yet, even these circumstances would probably not be a basis under the UN Charter for Israel to use defensive force. In 1986, the International Court of Justice heard a complaint by Nicaragua alleging that the United States unlawfully supported anti-communist groups in Nicaragua.[19] The court rejected the U.S. claim that the anti-communist groups' actions were part of its defense of El Salvador, which faced attacks from rebels sponsored by Nicaragua. The court concluded that under Article 51 of the Charter, the Nicaraguan rebels' actions did not amount to an armed attack, a prerequisite for self-defense. The court found that self-defense is triggered only when an adversary nation's proxy forces are acting like the adversary's army, a high bar that Iran's proxy terrorist groups probably have not surmounted.

If Iran transfers nuclear weapons or radiological material to terrorists, Israel would probably have no legal basis under current international law on which to attack Iran. First, Israel could not justify using self-defense because it would not face an imminent attack from Iran. Second, Iran's transfer of weapons or material to terrorists might not constitute an armed attack on Israel tantamount to the action of a national army. Third, Israel would have no basis to conclude that its use of force against Iran would prevent terrorists from using the nuclear weapons they possessed; therefore, an Israeli attack on Iran would be unnecessary and thus illegal.

Preempting Nuclear Weapons

The only way to prevent certain nations from using nuclear weapons might be to prevent them from developing the weapons. The use of force against those nations could be based on the danger they present rather than on imminent attack. The concept of danger as a second legal justification for the use of force recognizes that the world community should not bear the risk of catastrophe that could arise if terrorist nations or individuals acquire nuclear weapons. To illustrate, it would seem absurd that a nation could not act against violent revolutionaries. Assume that the revolutionaries had not yet begun a direct attack on the capital city and governmental leaders. But, they announced on television that the government had no right to exist, and they were close to producing bombs that could destroy the governmental apparatus. In the meantime, they conducted and supported assassinations, kidnappings, wars between the government and foreign terrorists, and bombings of civilians based on the civilians' religion, race, ethnicity, or nationality.

Under domestic law, the state could use deadly force to apprehend the revolutionaries and could prosecute and imprison them for killing civilians, possessing bomb-making materials, and conspiring to destroy the government. The International Criminal Court would be authorized to prosecute the revolutionaries for crimes against humanity, genocide, and war crimes.[20] Now assume that these disgruntled citizens comprise the leadership of another nation. Iran possesses all the characteristics of the revolutionaries, but with nuclear weapons and a military force of over 500,000, it would be immeasurably more dangerous.[21] However, under a traditional reading of international law, Israel would have no apparent right to use force against Iran.

Evolving principles in international law might provide an additional justification for nations to use force. Beginning with the international military tribunal in Nuremberg in 1945 and including the current international criminal tribunal (Rwanda,[22]

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Dr. Abdul Qadeer Khan, standing in an access tunnel inside the Chagai Hills nuclear test site prior to an underground Pakistani nuclear test, 28 May 1998.

A.Q. Khan, the "father of Pakistan's nuclear bomb," led his country's clandestine program to acquire nuclear weapons in the 1970s and 80s. Khan claims that Pakistan's bomb was the result of Pakistani science and hard work, but it is alleged that he stole a centrifuge design and other sensitive plans from a Western company he worked for in the Netherlands, and that he was liberally aided by Chinese nuclear scientists in the design of Pakistan's bomb. In 2003, Khan was implicated as the head of an international network responsible for supplying nuclear weapons designs and technology to North Korea, Libya, and Iran. In late 2003, he was summoned to Islamabad for a "debriefing," after which it was announced that he had confessed to his role in exporting nuclear weapons technology. Khan appeared on Pakistani national television in February 2004 to confirm his confession, and in the process denied that his government had been complicit in the network. Pakistani President Pervez Musharraf pardoned Khan, who had become a national and regional hero, the next day. Whether or not Khan was working at the behest of the Pakistani Government remains something of an open question. Musharraf has refused to allow any other nation to talk to Khan, whom he recently released from house arrest.

Yugoslavia,[23] and Sierra Leone[24]) and the International Criminal Court,[25] the world has condemned, beyond all others, four grave crimes: aggression, crimes against humanity, genocide, and war crimes. Respective examples include planning or starting a war, widespread killing of civilians, destroying religious or ethnic groups, and fighting outside the laws of war. Were Iran an individual before an international criminal court, it would probably be guilty of every grave crime, except possibly aggression.

Grave crimes indicate extreme danger, and they presage, contribute to, or cause wars and mass killings that are motivated by racial, ethnic, and religious enmity. In Germany, Yugoslavia, and Rwanda, grave crimes fueled World War II, ethnic cleansing, and civil war, respectively. Although the international community took little action to confront the situations in Rwanda and Darfur, which have thus far accounted for approximately 1,000,000 killings, the UN did create international tribunals to prosecute individuals for committing grave crimes in the former Yugoslavia, Rwanda, and Sierra Leone.[26] Under theories of joint liability—in essence, a subset of conspiracy—those tribunals have extended criminal liability to individuals who planned or assisted in the crimes, even if they did not personally commit them.

The same principles can be used to attach responsibility to nations. Recognized mainly in English-speaking common-law countries, conspiracy is an agreement between two people to commit a crime. In some jurisdictions, an element of conspiracy is the commission of an act that furthers the agreement, such as buying a weapon to support a robbery. The purchase of the weapon indicates a relatively clear intent to commit the robbery and marks the moment when the crime of conspiracy has been committed. In common-law countries, conspiracy alone is a crime, even if the conspirators never attempt or complete the robbery. In the international criminal tribunals, an agreement (a conspiracy in common-law countries) to commit a grave crime is not a crime. But in 1999, in a departure from domestic law in continental Europe, the Appeals Chamber for the International Criminal Court for the former Yugoslavia (Prosecutor v. Tadic) reasoned that the illicit agreement to commit a war crime connects planning and action and is thus the basis for *joint liability*, that is, liability for the crimes committed by a fellow plotter.[27]

The reasoning behind joint liability is that an agreement emboldens plotters and provides a powerful psychological impetus and logistical framework to enable them to commit more or greater crimes than if each plotter acted alone. To properly punish, or better, to deter organized groups from planning grave crimes, the appeals chamber in the Tadic case concluded that any individual member

of an agreement is liable for all grave crimes and all foreseeable crimes. Joint liability provides a legal basis to hold high-ranking military and civilian leaders individually liable for directing or ordering grave crimes without ever personally committing them.

Individual liability is a basis for state responsibility. In fact, the appeals chamber in the Tadic case concluded that Yugoslavia was responsible for the actions of Bosnian Serbs in Kosovo because its support went "beyond the mere financing and equipping of such forces" and "involved planning and supervision of military operations."[28] In addition to Tadic and others, the international criminal tribunal for Yugoslavia indicted Slobodan Milosevic, the former president of Serbia and Yugoslavia, for crimes against humanity, genocide, and war crimes. (Milosevic's trial was nearly complete when he died in 2006.) Milosevic had advocated one state for all Serbs and directed that weapons be provided to Serbs who were fighting non-Serbs inside the former Yugoslavia.

To stop the Serbian attacks, NATO bombed military targets in Kosovo and civil-infrastructure targets, such as bridges, power stations, and factories, throughout Yugoslavia. As Milosevic did with non-Serbs in Yugoslavia, Iran's president concluded in 2005 that "we will soon witness its [Israel's] disappearance and destruction."[29] Similarly ominous, Iran's constitution directs that the Army of the Islamic Republic and the nation's Revolutionary Guards (a parallel army) are responsible "not only for safeguarding the frontiers, but also for a religious mission, which is Holy War (jihad) along the way of God, and the struggle to extend the supremacy of God's law in the world."[30]

Like the international criminal tribunals created to prosecute individuals, the need for a nuclear preemption doctrine arises because nations possessing or developing nuclear weapons commit, plan, or promote grave crimes. Nuclear preemption would be authorized against a nation when it is—

- Producing or importing highly enriched uranium (U-235) or plutonium for use in nuclear weapons.
- Planning or conspiring to commit aggression, crimes against humanity, genocide, or war crimes against a state.
- Providing material support toward the commission of such crimes.

The elements of a nuclear preemption doctrine would be contingent on present danger, not on the self-defense concept of an imminent attack. An evaluation of present danger can be made by considering sustained support for activities that result in aggression, crimes against humanity, genocide, or war crimes—essentially, sustained support for terrorist activity—so long as the activities continue to the present time. In the last 50 years or so, every instance of grave crime has resulted in war or mass death—literally tens of millions of killings: Nazi Germany's aggression and World War II; Cambodia's killing fields; North Korea's starvation of its citizens; Yugoslavia's ethnic wars; Rwanda's civil war; and the conflict in Darfur.

A nuclear preemption doctrine would allow an additional moral and legal justification for the use of force, but one that would actually reduce the total number of instances when force is employed. Having been used often in policy debates but never precisely defined, the vague, broad concepts of *preemption*, *prevention*, and *anticipatory self-defense* have led to arbitrary justifications for the use of force when the danger might not be extreme. Acts justifying forcible nuclear preemption should be few because few nations commit or support grave crimes. Fewer nations, perhaps only Iran, both support grave crimes and also possess or develop nuclear weapons.

Nuclear preemption's jurisdictional and substantive components would be grounded within international law, perhaps more so than concepts of universal jurisdiction and humanitarian intervention, theories used respectively to justify international criminal prosecutions and limitations on national sovereignty. Preemption jurisdiction includes two components: the right of nations to act on behalf of their allies; and a substantive ground for the use of force. That any state can use force legitimately on behalf of another nation is consistent with the concept

The elements of a nuclear preemption doctrine would be contingent on present danger, not on the self-defense concept of an imminent attack.

Nuclear preemption recognizes the use of self-defense to confront an imminent threat and prohibits what have been termed preemptive, preventive, and anticipatory self-defense actions.

of collective self-defense contained in Article 51 of the UN Charter. Jurisdiction based on specific grave offenses is routinely found in international criminal tribunals.

Nuclear preemption would be similar to humanitarian intervention, a concept already validated by the UN. Both would authorize the use of force outside self-defense and are triggered by the existence or possibility of grave crimes. Humanitarian intervention has evolved into the concept of *the responsibility to protect*, which is a proposal to provide legal authorization to the UN Security Council to intervene within a nation's borders—essentially with military force.[31] Military intervention would be authorized when state action causes a "large scale loss of life," according to Canada's International Development Research Centre, a leading advocate of the responsibility-to-protect concept.[32] Recognizing that the Security Council took no action in Rwanda, Bosnia, and Darfur, among other places, the Centre argues that if the Security Council does not act, "states may not rule out other means to meet the gravity and urgency" of crises.[33]

The responsibility-to-protect/humanitarian intervention concept is broader than nuclear preemption and would authorize the use of force in many more instances. Nuclear preemption would occur less frequently because it is limited to circumstances where states *intentionally* commit or support grave crimes against other states. Nuclear preemption is also bound by the condition of nuclear weapons production. In contrast, the responsibility-to-protect concept would permit military intervention when a state only *neglects* to act or has an *inability* to prevent a large loss of life. With negligence as a condition, the responsibility-to-protect concept would authorize military force within states where the government was simply incompetent. Moreover, the commission of a grave crime, which is specifically defined within international law and essential to nuclear preemption, is not a requirement of the responsibility-to-protect concept.

Most importantly, the responsibility-to-protect concept would authorize military intervention in circumstances where the threat to international peace is significantly less than it is in circumstances allowing for nuclear preemption. Humanitarian tragedies within states are grievous events. But humanitarian tragedies, even grave crimes within borders, have less potential to affect international peace than cross-border attacks. Humanitarian intervention might be a valid doctrine, but nuclear preemption, given the danger it confronts, has a more compelling practical rationale and is more firmly rooted in international law.

Limiting Force to the Greatest Danger

Nuclear preemption is justified as a means to confront the great danger presented by nations that simultaneously commit or promote grave crimes and develop or possess nuclear weapons. Nuclear preemption is not as broad as, but is consistent with, modern doctrines in international law: universal jurisdiction over grave crimes; joint liability to hold national and military leaders responsible; and humanitarian intervention and limitations on state sovereignty to prevent large losses of life. Nuclear preemption recognizes the use of self-defense to confront an imminent threat and prohibits what have been termed *preemptive*, *preventive*, and *anticipatory self-defense* actions.

In a sense, nuclear preemption is not really *preemption*, as that term has been used in policy debates. The *preemption doctrine* emanating from the U.S. invasion of Iraq was based on predictions about what Iraq would do in the future if it acquired nuclear weapons. In contrast, the doctrine of nuclear preemption would be based on present circumstances: nuclear weapons development and the commission of a grave crime. The conditions authorizing nuclear preemption would indicate great danger sometime in the future, but the indication of danger is not an element of nuclear preemption. Danger is the philosophical basis for the use of force. ***MR***

NOTES

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3. International Court of Justice, Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, No. 95 (1996).

4. UN Charter, Article 51; Caroline Incident, *The Avalon Project at Yale Law School.*

5. American Law Institute, "Model Penal Code," section 3.04(2)(b).

6. Ibid., section 3.04(1).

7. "Missiles of the World," *Missilethreat.com*, <www.missilethreat.com/missilesoftheworld/id.107/missile detail.asp>.

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9. See Hugo Grotius, *On the Laws of War and Peace*, trans. A.C. Campbell (Kitchener, Ontario: Batoche Books, 2001), 70.

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23. Statute of the International Tribunal, annexed to Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808, art. 5(g) at 135, UN Doc. S/25704 Add. 1, reproduced in U.N. SCOR, 48th Year, Supp. for April-June 1993, at 117 (1995).

24. The Special Court for Sierra Leone, <www.sc-sl.org/about.html>. See also, Statute of the Special Court, annexed to the agreement, <www.sc-sl.org/scsl-agreement.html> between the United Nations and Sierra Leone to create the Special Court, <www.sc-sl.org/scsl-statute.html>.

25. Rome Statute.

26. It is estimated that 800,000 persons were killed in Rwanda between April and June 1994, "Rwanda: How the Genocide Happened," *BBC News*, <http://news.bbc.co.uk/2/hi/africa/1288230.stm>, 1 April 2004, and that through March of 2007, 200,000 have been killed in Darfur, "Editorial, Talking Darfur to Death," *New York Times*, 31 March 2007, <www.nytimes.com/2007/03/31/opinion/31sat1.html?ex=1332993600&en=0040c60d6864b7e7&ei=5088&partner=rssnyt&emc=rss>.

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Armed Humanitarian Intervention and International Law: *A Primer for Military Professionals*

Colonel Daniel Rice, U.S. Army Reserve, and Major John Dehn, U.S. Army



ALTHOUGH THE LAW of armed conflict adds an element of humanity to warfare while high-tech weapons with precision munitions add the perception of control, war is still armed conflict that causes both intended and unintended death and destruction. Therefore, we ought to be cautious when we think about using military force. This is particularly true when we consider undertaking missions or wars for humanitarian reasons.

This article examines the norms that govern when to initiate humanitarian intervention with military force. It also discusses accompanying considerations. In doing so it reviews applicable international law as an aspect of contemporary international relations. A comprehensive review of international relations and legitimate uses of military power could—and does—occupy entire books.[1] This discussion, however, limits itself to reviewing international moral and legal norms and how they affect decision-making about using force to intervene. Readers will note that these norms are the subject of scholarly and political debate. As such, their practical implications are constantly undergoing refinement.

Armed humanitarian intervention is the use of military force by a nation or nations to stop or prevent widespread, systematic human-rights abuses within the sovereign territory of another nation. An example is the action NATO took to stop ethnic cleansing in Kosovo. In this context, military force refers to operations involving direct attacks against persons and places. It does not refer to other military operations, such as providing humanitarian aid, peacekeeping, or stability and support operations that might result in the need to use force after units peacefully arrive with the consent of the host nation or parties to a conflict.

Military professionals should appreciate how civilian leaders determine when military force should be used. The meaning and effect of international law sometimes points only vaguely to the correctness of possible alternatives. As author Michael Desch remarks in *Bush and the Generals*, "The line between [civilian political and military operational] realms is not always perfectly clear, and sometimes military considerations affect political decisions, *and vice versa*."[2] As military considerations likely play into decisions about armed humanitarian intervention, military officers should at least have an understanding of the issues. Commanders and staffs, particularly at strategic and operational levels, should be able to clearly identify, understand, and account for the practical, legal, and moral considerations that affect the decision to use force for humanitarian purposes, especially as they apply to the particular environment.

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PHOTO: A U.S. Army 501st Aviation Battalion CH-47 Chinook cargo helicopter carries a sling loaded Small Emplacement Excavator. These units were stationed at Camp Bondsteel, Kosovo, Serbia and were part of Task Force Falcon, which is the official designation for the US European Command forces assigned to the NATO led peacekeeping Kosovo Force during Operation Joint Guardian. (U.S. Army, SPC Angelica M. Harris)

First, we consider circumstances under which armed humanitarian intervention might be morally justified. We then discuss the legality of such action. Subsequently, we look at the United Nations Charter and discuss its key provisions, its domestic and international status as law, and the recent emergence of a concept called the "responsibility to protect." We canvass practical considerations bearing on the decision to conduct an armed humanitarian intervention, and in doing so, we discuss the ways in which norms and political and practical considerations affect the ends, ways, and means of humanitarian intervention. Finally, we draw conclusions about the importance of necessity and proportionality, two traditional legal constraints on the use of force, that military professionals should find important and useful.

The Justice of Armed Humanitarian Intervention

Whether armed humanitarian intervention is morally justified, and if so, under what conditions, is among the most difficult questions to answer in international law and relations. All nations have rights of sovereign power, which has traditionally meant that they exercise exclusive political control within their borders. Intervention, especially by force against the political sovereignty or territorial integrity of another nation, has traditionally been considered aggression in international relations. Any such intervention has, by definition, moral, political, and legal ramifications.

As aforementioned, armed humanitarian intervention is the morally justified use of military force to stop or prevent widespread, systematic human rights abuses. What fits within this definition is open to broad interpretation when balanced against the ramifications of violating borders and sovereignty.

Just-war theorist Michael Walzer argues that armed humanitarian intervention is morally justified, perhaps even required, in response to "massacre, rape, ethnic cleansing, state terrorism, [and] contemporary versions of bastard feudalism, complete with ruthless warlords and lawless bands of armed men."[3] While recognizing that intervention is contrary to the concepts of anti-imperialism and self-determination and the presumption against intervention in another nation's internal affairs, he thinks it is "morally necessary whenever cruelty and suffering are extreme and no local forces seem capable of putting an end to them."[4]

Walzer adds that armed intervention cannot be morally justified to promote "democracy . . . or economic justice or . . . other social practices and arrangements" that exist in other countries. In his view, it must be limited to ending conduct that "shocks the conscience of humankind."[5]

Political scientists Jerome Slater and Terry Nardin argue that "intervention is justified, at least in principle, in many cases where governments are responsible for substantial and systematic violations of human rights, even when such violations fall short of genocidal proportions."[6] Slater and Nardin believe the seriousness of the human rights violation determines the degree of protection against intervention to which governments are entitled, arguing that "the grosser the violation [of human rights], the weaker the claim to such protection [from intervention.]"[7] This approach recognizes that intervention can occur through armed force or other coercive but peaceful instruments of political power. However, it does not help us determine when it is morally appropriate to end peaceful political coercion and begin military intervention.

International law expert Thomas M. Frank takes a legalistic approach to defining armed humanitarian intervention. He states that such intervention may be morally justified "if the wrong perpetrated within a state against a part of its own population is of a kind specifically prohibited by an international agreement (e.g., the Convention on the Prevention and Punishment of the Crime of Genocide; treaties regarding racial discrimination, torture, the rights of women and children; the International Covenant on Civil and Political Rights (ICCPR); and agreements on humanitarian law applicable in civil conflict.)"[8]

With its reference to international legal instruments and the generally accepted concepts of morality and fundamental human rights they reflect, this position suggests legalistic justification for intervention in a wide variety of circumstances. The problem with this legalistic approach is that in international agreements, such as the ICCPR and those relating to the rights of women and children, some principles are so general that their meaning is ambiguous. For example, the absolute prohibition on subjecting any person to torture or

cruel, inhuman, or degrading treatment or punishment is a principle embodied in the ICCPR, which parties to the covenant cannot violate under any circumstances, according to the terms of that document (Article 7). However, the debate about what constitutes torture or cruel, inhuman, or degrading treatment in the current War on Terrorism demonstrates how difficult it is to rely on such vague terms to justify armed intervention. A nation seeking to intervene in another's internal affairs for self-interested rather than benevolent reasons can interpret such terms in a self-serving way. Furthermore, it is difficult to justify the use of military force as a remedy for all forms of racial, gender, or ethnic discrimination.

One can morally justify intervention by peaceful means in a wide variety of circumstances, but the moral justification for armed intervention is much more limited. It must take into account both the intentional death and destruction and the potential for unintended damage that the use of armed force will cause. In short, the moral justification for armed intervention is strongest when it is undertaken to prevent widespread, systematic murder or serious injury; that is, when the purpose of the use of force is to defend others from the force used against them. The concept of defending others from serious harm is a moral standard that Western legal tradition and U.S. rules of engagement (ROE) already incorporate.[9]

Proper moral grounds for armed humanitarian intervention exist when its use is necessary to stop wide-scale instances of the aforementioned forms of violence, whether or not the violent conduct constitutes genocide, ethnic cleansing, a war crime, or some other specific crime under international law. Rules of engagement for U.S. conventional forces have frequently authorized the use of force to defend noncombatants from serious crimes such as murder, physical assault, torture, or rape.[10] In these instances, the ROE authorize Soldiers to use force, up to and including deadly force, to protect the victims. Use of military force is morally justified when there is widespread, systematic violence against innocent victims, regardless of what international humanitarian law or human rights advocates call that violence.

Many crimes constituting genocide under the statute for the International Criminal Court are merely special instances of common crimes, such as murder and aggravated assault. Other crimes are not necessarily violent, such as "forcibly transferring children of [one]. . . group to another group." (See *The Rome Statute of the International Criminal Court*, Article 6.) The moral justification depends on unjustified violence, not the purpose, goal, or intent with which it (the violence) is carried out.

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The authority to use deadly force does not mean that its use should be the first or only option to consider. In some cases, measures short of force might be sufficient to prevent or stop crimes against noncombatants. For example, diplomacy and the threat of armed intervention may end the violence without the need for armed force. Armed intervention is necessary and morally justified only when other forms of intervention are unavailable or exhausted.

It is conceivable that the violence justifying intervention can be so extensive, and the situation under



AP, Jean-Marc Bouju

Rwandan refugee children plead with Zairean soldiers to let them cross a bridge separating Rwanda and Zaire. Their mothers had crossed moments earlier before the soldiers closed the border (20 August 1994). Ethnic slaughter in Rwanda and Burundi in the 90s called out for armed intervention.

which it is carried out so chaotic, that diplomacy would be ineffective or untimely. Rwanda's murderous 1994 civil war might be an example of such violence. In most cases, however, the perpetrators of the violence are part of, or acting on behalf of local governments. In these cases, nations should attempt diplomacy and other peaceful means to change the government's behavior.

Even when armed intervention is morally justified, it may not necessarily be consistent with international law. Although the law often reflects accepted moral standards, it does not always do so perfectly. It is to that topic we now turn.

The Use of Force under the UN Charter

The UN Charter governs the legal use of force between or among nations. Its primary purpose is to maintain international peace and security.[11] It functions in several ways, but four provisions are especially relevant to the topic of armed humanitarian intervention. First, the charter prohibits nations from using or threatening to use force in their international relations with each other.[12] Second, it demands respect for the political sovereignty of every nation.[13] Third, the charter emphasizes that all nations are equal; that the sovereignty of each is entitled to the same respect.[14] Fourth, the charter created the United Nations Security Council (UNSC)[15] and vested it with the sole authority to identify and contend with "threat[s] to the peace."[16] The UNSC's authority includes a monopoly on the use or threat of use of coercive force.[17] (The term "coercive force" means any use of force not undertaken in individual or collective self-defense as authorized by Article 51 of the charter.) The purpose of the use or threat of the use of coercive force is to change the conduct of the nation against which the force is threatened or used. A simple example is the use of force to expel Iraq from Kuwait in 1991 after Iraq invaded Kuwait and refused to leave on its own.

Because the UN Charter is an international agreement, it has the status of international law. The U.S. has ratified the charter without reservation.[18] Under international law, the U.S. must follow all provisions of the charter in good faith. The international legal term for this obligation is *pacta sunt servanda* [Latin for "pacts must be respected"], which the Vienna Convention on the Law of Treaties defines as "the responsibility of all parties to an international agreement to follow its terms in good faith." Although the U.S. has not ratified this convention, it has recognized it as accurately reflecting international law.

As a properly ratified treaty, the UN Charter has the status of "supreme law of the land" under the U.S. Constitution.[19] However, as is often the case in law, that statement does not present a complete picture of its actual domestic legal status. Beyond the Senate's advice and consent and some matters related to participation in the UN, Congress has not acted to domestically implement the essential legal requirements of the charter, including those regulating the use of force.[20] This failure to act means that the charter's provisions have not been made a part of U.S. domestic law that must be followed under threat of criminal sanction. Regardless, U.S. military and civilian officers swear to support and defend the Constitution, and that includes the injunction to respect treaties.

Doctrines U.S. courts developed over the years view the UN Charter as creating rights and duties between nations, not between or among their citizens. Therefore, with one possible exception, our elected political leaders are solely responsible for determining the meaning of the charter and other relevant international laws and the extent to which our nation will adhere to them.[21]

Rights to self-defense and prohibitions under the UN Charter. Under Article 51 of the UN Charter, a nation may only use force as part of its "inherent right of individual or collective self-defense."[22] Article 2, paragraph 4 of the charter prohibits nations from using or threatening to use force against the "territorial integrity or political sovereignty" of other nations. Because of these limitations, nations often assert self-defense as a legal pretext for using force even when such a justification does not clearly apply to the circumstances of the violence. Such occurrences include circumstances that might qualify as grounds for an armed humanitarian intervention.

Article 51 allows nations to use force in individual or collective self-defense "if an armed attack occurs." Interpreted literally, this right only applies to the right to *respond* to force with force. Historically, defensive force under international law included more than this very circumscribed right. It

also included "anticipatory self-defense," a concept whose validity under the charter is the subject of some debate.[23] Anticipatory self-defense has traditionally allowed a nation to use force against an attack when the threat was sufficiently imminent to justify interdicting it. This species of self-defense is arguably either an exception to Article 51 of the charter or included in the "inherent right" of self-defense that the charter preserves. However, some view anticipatory self-defense as contrary to the language of the charter.[24]

Recently there has been discussion of the concept of preemptive self-defense. Some scholars use the term interchangeably with anticipatory self-defense.[25] However, preemptive self-defense is best understood as the use of force to attack a gathering—but not yet imminent—threat. Arguments often advanced in support of preemptive self-defense state that the gravity or nature of the threat is such that a nation cannot wait for it to develop further before defending itself, because the failure to act immediately would forfeit the practical ability to defend effectively against it.[26] The problem with this concept is that determining when a preemptive attack is appropriate or necessary is entirely subjective and open to abuse. Further, if interdicting imminent threats is potentially problematic under the charter, engaging gathering threats is even more so.

A nation's right of self-defense in these circumstances is, under the charter, a legally complicated matter. Perhaps the best way for U.S. military officers to understand the self-defense concepts debated under the charter is to relate them to the concepts of hostile act and hostile intent that underlie ROE.

Under U.S. ROE, when a hostile act is clearly initiated, Soldiers may use force immediately in self-defense. Likewise, when hostile intent is clear even before a hostile act is initiated, the rules of engagement authorize the use of force. In each case, though, the ROE counsel using the minimum force necessary to counter the threat. They permit escalating the use of force if doing so is appropriate under the circumstances. Factors to use to determine what force is appropriate include the nature and imminence of the threat. If the threat is less imminent, the indications of hostile intent and the nature of the threat become more important in determining what force is appropriate.

Anticipatory self-defense has traditionally allowed a nation to use force against an attack when the threat was sufficiently imminent to justify interdicting it.

Determining whether a threat exists and deciding the appropriate response to it are difficult for individuals in battlefield environments. These decisions are even harder for nations in the ambiguous world of international affairs. Nations must examine overt and covert diplomatic and military activities objectively to determine if force or some measure short of it is necessary or justified. For example, should the U.S. or Israel take its cues as to Iran's intent from the statements of its president or from the actions of its supreme leader? Should Iran view two U.S. carrier groups entering the Persian Gulf as an imminent attack against its nuclear enrichment facilities or as a defensive force meant to protect friendly forces in the area? Perceptions will likely vary during these and other uncertain circumstances.

The debate is ongoing, and to date, there has not been international acceptance of the propriety of using force under the charter against either gathering or imminent threats. Preemptive self-defense is a potentially dangerous tool, and its status is even more doubtful under the charter than anticipatory self-defense.

A nation can claim self-defense to justify armed humanitarian intervention only if the attacking nation has directed violence against another nation or nations. The internal violence of one nation threatening to spread itself to another does not constitute an armed attack justifying self-defense. Refugee flows or other conditions that might threaten the internal stability of a neighboring country are also not armed attacks. Under the charter, nations must deal with such threats to peace through the UNSC.

The security council's authority to use force. The UN Charter vests the UNSC with the sole authority to identify a "threat to the peace, breach of the peace, or act of aggression."[27] Once the UNSC does so, it has virtually unlimited authority to select peaceful means for dealing with it.[28] After peaceful means have failed or the UNSC has decided they are



U.S. Navy, PHCM Terry C. Mitchell

U.S. Marine armored amphibious vehicles emerge from the surf onto the beach at the airport at Mogadishu, Somalia, 5 January 1992. The Marines were the vanguard of an armed U.S. intervention to alleviate starvation.

inappropriate, the charter allows the UNSC to consider using military force. It provides the council the authority to use force (or as happens most often, to authorize its member nations to use force) "to maintain or restore international peace and security."[29]

This authorization raises key questions. Can the UNSC use force to stop serious human rights abuses occurring solely within the sovereign territory of a nation? And if yes, to what extent? To answer we must consider two more principles contained in the charter: the principle against intervention in a nation's internal affairs, and the principle of sovereign equality.

The charter contains important provisions that restrict international authority to intervene in the internal affairs of sovereign nations. In addition to prohibiting the use of force "against the territorial integrity or political independence" of another nation, Article 2, paragraph 7 states that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter, *but this principle shall not prejudice the application of enforcement measures under Chapter VII* [of the Charter] (emphasis added)."[30]

The plain meaning of this provision is that the UN should leave nations alone to resolve purely internal problems. However, the exception here is important. The UNSC may use or authorize force to counter threats to international peace and security. This authority is contained in the above-referenced Chapter VII of the charter. Further, given the principle of sovereign equality of nations, it is solely a matter for the UNSC to decide under the charter. Powerful or "more advanced" nations or coalitions have no greater rights than their smaller or weaker neighbors to resolve problems forcibly within the latter's borders.

What constitutes a threat to international peace and security in this context? Mass human rights violations and violence create internal displacements and refugee flows across borders. Refugee flows or internal displacements can be humanitarian crises. Whether they create true threats to international peace and security is a much more difficult question. When substantial cross-border violence breaks out, the case is almost certainly made. Beyond that situation, whether a threat to international peace and security warrants intervention, especially armed intervention, will depend heavily on the circumstances and the perceptions of the UNSC members.

It might be true, as Michael J. Glennon argues, that the UNSC violates the charter and undermines its own policy when it authorizes force in circumstances of purely intrastate violence.[31] Given its broad authority over threats to international peace and security, the propriety of UNSC action in a given case will always be debatable. However, recent developments may affect the terms of the debate.

The Responsibility to Protect

In a December 2001 report entitled *The Responsibility to Protect*, the International Commission on Intervention and State Sovereignty (ICISS) formally articulated a concept now referred to as the "responsibility to protect" (R2P).[32] The report responded to repeated pleas by then Secretary-General Kofi Annan to create unity around the fundamental principles of humanitarian intervention. Kofi Annan posed the following question: "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity?"[33]

Subsequently, in December 2004, the UN's High-Level Panel's Report on Threats, Challenges, and Change stated that "there is a growing acceptance that while sovereign Governments have the primary responsibility to protect their own citizens from such catastrophes, when they are unable or unwilling to do so that responsibility should be taken up by the wider international community—with its spanning a continuum involving prevention, response to violence, if necessary, and rebuilding."[34]

The General Assembly incorporated R2P in Resolution 60/1, 2005 World Summit Outcome Document. This resolution articulates the responsibility of individual states to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.[35] The document also recognizes a corresponding responsibility of the international community:

> The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council…on a case-by-case basis in accordance with the Charter and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate."[36]

Referring to R2P in Resolution 1674, which it adopted on 28 April 2006 and which addresses the protection of civilians in armed conflict, the UNSC reaffirmed the Outcome Document's provisions "regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity."[37] However, the UNSC did not explicitly endorse a broad authority to intervene in the event of a recognized humanitarian crisis.

Nonetheless, R2P purports to recognize the authority and obligation of the international community to intervene if just humanitarian cause exists. It states that "the core tenant of the [responsibility to protect] is that sovereignty entails responsibility. Each state has a responsibility to protect its citizens; if a state is unable or unwilling to carry out that function, the state abrogates its sovereignty, at which point both the right and the responsibility to remedy the situation falls on the international community."[38]

Neither the General Assembly nor the UNSC resolutions have created new international law or amended the UN Charter, but R2P is a significant step in that direction. Still, there are no easy answers. The resolutions only convey the current sense as to what proper practice should be in the future. It remains for us to consider how these competing principles bear on the legality of armed humanitarian intervention.

The Legality of Using Force for Humanitarian Intervention

Some prominent scholars sensibly take the position that the UN Charter allows for legally justified armed humanitarian intervention only when the UNSC authorizes it.[39] As previously mentioned, at least one scholar believes the UNSC has no power to intervene in the purely internal affairs of a sovereign state no matter how dire the circumstances.[40] Others recognize an emerging state practice—ripening into a new customary legal rule—that individual states or regional organizations may unilaterally intervene if necessary to prevent genocide.[41] It is possible for new rules of law created by the practice of nations to displace treaty obligations. However, this displacement is rare, and it is often difficult to determine whether a practice inconsistent with a treaty obligation is a violation of the treaty or a new, emerging rule of practice. (We have to defer to our national leaders to make these determinations.) The ICISS report actually supports this view, which the General Assembly's R2P resolution rejected by reaffirming action through Chapter VII of the charter and the UNSC. The ICISS report suggests that if the UNSC fails to respond to an obvious crisis, the General Assembly should take up the issue in emergency session. It also supports the idea that a regional or sub-regional organization may take action to avert the crisis, so long as it seeks subsequent authorization from the UNSC.[42]

As a practical matter, the UNSC may authorize armed humanitarian intervention when it finds a threat to international peace and security. This option has been its somewhat inconsistent practice in the recent past.[43] The General Assembly's adoption of R2P reinforces this idea, but we do not know whether the world community will fully accept the R2P principle and the legal obligations it imposes. In addition, the permanent, veto-wielding members of the UNSC must also accept and implement R2P and, given the occasional strong objections of Russia and China to intervention in the past, this acceptance is by no means certain. The UNSC resolution, however, appears to welcome R2P.

Other Factors Affecting Humanitarian Intervention

Among considerations affecting the decision to intervene, one of the most important might be its chance of success. An armed intervention's

perceived and actual legitimacy depends on this chance. A successful intervention must not only stop the immediate suffering, but also prevent it from resuming once forces withdraw.[44] If the intervention is not successful, the force the nation uses to intervene will appear to be, and perhaps in reality will have been, unwarranted. That is, it will have resulted in additional violence that increased rather than prevented the suffering it sought to remedy.

Even if the intervention is initially successful, violence may resume after troops leave unless the conditions that led to it are corrected. Even now, eight years after NATO's armed intervention, the world is seeking a permanent resolution to the Kosovo crisis. While the U.S. supports independence or at least largely autonomous self-governance for Kosovo, such a resolution goes against the desires of both Serbia and Russia, with Russia holding a critical veto power in the UNSC.[45] For the entire period of this debate, NATO has had troops on the ground to monitor the situation and maintain the peace.[46]

Given the potentially long commitments involved and the danger inherent in armed humanitarian intervention, the political will of the countries providing the intervening forces is an important consideration. To achieve the desired result, countries must remain committed to the armed intervention and any post-conflict operations that events might require, including peacekeeping and other stability and support operations.

A nation's political will depends on many factors. Perhaps the most important of these is the public's perception of whether or not the intervention is in the national interest. A nation's leaders justify placing and keeping its military in harm's way because it is in the national interest to do so. On the other hand, the international community and the population of the nation in which the intervention occurs will view such a pursuit of strategic interests with suspicion—even if the pursuit of these interests relates to the humanitarian crisis itself.

While it might be desirable to have a purely humanitarian motive for an armed intervention, there is a genuine question as to whether that is realistic. There was little national interest for U.S. participation with NATO in the Kosovo intervention, whose purpose was primarily to assuage moral outrage and maintain the legitimacy of NATO. This lack of national interest resulted in severe U.S. operational limitations when the armed intervention began.[47]

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In comments on humanitarian intervention, one of the ICISS members recognizes the need for staying power: "For an intervention to be sustained, at least one state with the requisite military capacity must also have a stake in stabilizing the situation, as with Australia in East Timor."[48] What kind of "stake" in stabilizing the situation is proper? Obviously, it must be one that will maintain the public's willingness to expend money from the national coffers and put its military forces at risk.

If the stake in the situation is indefinite, such as "regional stability" outside of one's neighborhood in the international community, there is a risk of not having identified the interest in terms that a citizenry will understand or accept. But at the same time, identifying some tangible stake such as an economic interest may undermine international and local perceptions of the intervention's stated humanitarian motive by causing the operation to lose its appearance of legitimacy.

Proportionate Ends, Ways, and Means

What are the appropriate ends, ways and means of a humanitarian intervention? Narrow moral and legal justifications for armed humanitarian intervention require that the ends, ways, and means of both military and post-conflict operations clearly relate to the justifications for it. Much of the commentary on both humanitarian intervention and R2P supports this view.[49] While "regime change" might be inevitable in some or even most circumstances, we should not always presume it to be so. The factors that will most influence the selection of ends are the history of the conflict and any peaceful attempts to resolve the crisis before the armed intervention.

As always, the choice of legitimate ends will guide the selection of legitimate ways and means. Moral and legal justifications influence such selections. In the Kosovo intervention, significant disagreements developed over the overall concept of the air campaign.[50] Conducting effective military operations, ostensibly against only legitimate targets, produced

collateral damage that undermined international and domestic perceptions of legitimacy and hence support. These challenges were not rooted in political timidity about engaging legitimate targets, but resulted from the inherent paradox of using armed force for humanitarian purposes.

Two Conclusions: Necessity and Proportionality

What emerges from this examination is that armed humanitarian intervention is particularly bound by the constraints of "necessity" and "proportionality." Consideration of both should underlie all strategic and operational planning and decision-making related to armed humanitarian intervention.

"Necessity" requires the armed intervention be necessary to stop or prevent widespread, systematic murder or serious injury, including torture, rape, and other serious assaults. This necessity arises when one has exhausted all peaceful means of resolving the situation. Internal conflict and other social or political conditions, in and of themselves, do not create the legal or moral authority for armed humanitarian intervention.

"Proportionality" requires that the ends of the intervention be only those necessary for achieving the humanitarian purpose. Using armed humanitarian intervention to achieve specific national strategic objectives beyond the prevention of violent atrocities risks the operation's real and apparent legitimacy at the international and local levels.

At both the strategic and operational level, the bottom line to armed humanitarian intervention is that the cure cannot be worse than the illness. If, in the course of protecting innocent victims, humanitarian intervention unnecessarily creates more victims, the legal and moral justifications for the intervention are undermined. Such is the challenge of legitimacy in armed humanitarian intervention. ***MR***

NOTES

1. See, for example, Michael J. Glennon, *Limits of Law, Prerogatives of Power: Interventionism after Kosovo* (New York and Hampshire, UK: Palgrave, 2001).
2. Michael C. Desch, *Bush and the Generals*, Foreign Affairs 86, no. 3 (May/June 2007): 97-108 (emphasis added).
3. Michael Walzer, *Arguing About War* (New Haven, CT: Yale University Press, 2004), 68.
4. Ibid., 69.
5. Ibid., (internal quotes omitted).
6. Jerome Slater and Terry Nardin, "Nonintervention and Human Rights," *The Journal of Politics*, 48, no. 1 (February, 1986): 92.
7. Ibid.
8. Thomas M. Franck, *Recourse to Force* (Cambridge University Press, 2002), 135.
9. See, for example, Rule 916(e)(5), Rules for Courts-Martial in the *Manual for Courts-Martial*, United States (2005).
10. See *Operational Law Handbook*, International and Operational Law Department, The Judge Advocate General's Legal Center and School, (2006), 115-118.
11. *Charter of the United Nations* [hereinafter "UN Charter"], art. 1(1), <www.un.org/aboutun/charter/>.
12. UN Charter, art. 2(4).
13. Ibid., art. 2(7).
14. Ibid., art. 2(1).
15. Ibid., art. 23.
16. Ibid., art. 39.
17. Ibid., arts. 41 and 42.
18. For a concise summary of events leading to the creation and U.S. ratification of the UN Charter, see, Office of the Historian, Bureau of Public Affairs, U.S. Department of State, *The United States and the Founding of the United Nations*, August 1941 - October 1945", available at <www.state.gov/r/pa/ho/pubs/fs/55407.htm>.
19. U.S. Const. art. VI, sec. 1.
20. *United States Code*, Title 22, sec. 287, et seq.
21. This potential exception is the ambiguous war crime of "aggression" or "crimes against peace." Some nations, including the U.S., have recognized "crimes against peace" or "aggression" as a war crime for which individuals may be held responsible. Readers should note that this crime would only apply to decision-makers at the highest level of a government. In spite of its long history, dating to the Nuremburg International Military Tribunals, a precise definition of "aggression" remains elusive and there is not yet full international acceptance of the notion that a nation's individual decision-makers who order, plan, or conduct aggressive (rather than defensive) military operations can be held criminally responsible. Although it is not the purpose of this paper to define the international crime of "aggression" or its domestic status, it is important to recognize its tenuous existence and the potential gravity of using military force contrary to international law. For a discussion regarding the difficulty of defining this crime for use in the International Criminal Court, see <www.un.org/icc/crimes.htm#aggression>. Note that the U.S. has historically supported the concept of individual criminal responsibility for international military aggression, but has not joined the treaty creating the International Criminal Court.
22. UN Charter, art. 51.
23. See, for example, Ian Bownlie, *International Law and the Use of Force by States* (Oxford University Press, 1963), 42-44, 275-280.
24. Anthony Clark Arend and Robert J. Beck, *International Law and the Use of Force: Beyond the UN Charter Paradigm* (London: Routledge, 1993), 72-73.
25. Ibid, 79.
26. *National Security Strategy of the United States* (17 September 2002), part V.
27. UN Charter, art. 39.
28. Ibid., art. 41.
29. Ibid., art. 42.
30. Ibid., art. 2(7).
31. See Glennon, supra note 1, at 142-143.
32. International Commission on Intervention and State Sovereignty [hereinafter ICISS], *The Responsibility to Protect* (Canada, 2001), available at <www.iciss.ca/pdf/Commission-Report-pdf>.
33. Ibid., at VII.
34. *A More Secure World: Our Shared Responsibility: Report of the High-Level Panel on Threats, Challenges, and Change,* UN Doc. A/59/565 at 56-57, para. 210 (2004), <www.un.org/secureworld/report.pdf> [hereinafter High-Level Panel Report].
35. 2005 World Summit Outcome, GA Res 60/1, para. 138 (24 October 2005).
36. S.C. Res. 1674, P 4, UN Doc. S/RES/1674 (28 April 2006).
37. Ibid.
37. Rebecca J. Hamilton, "Recent Development: The Responsibility to Protect: From Document to Doctrine – But What of Implementation?", *Harvard Human Rights Journal* 19 (Spring, 2006): 290.
38. See, for example, Yoram Dinstein, *War, Aggression and Self Defense*, 4th Ed. (Cambridge University Press, 2005) 71-72; Arend and Beck, supra note 25, at 136.
39. Glennon, supra note 1, at 111-112.
40. Jack Donnelly, *Universal Human Rights in Theory and Practice*, 2nd Ed. (Ithaca, NY: Cornell University Press, 2003), 242-260; Christine Gray, *International Law and the Use of Force*, 2 Ed. (Oxford University Press, 2004), 45-49. It is possible for new rules of law created by the practice of nations to displace prior treaty obligations. However, this is rare, and it is often difficult to determine whether a practice inconsistent with a treaty obligation is a violation of the treaty or a new, emerging rule of practice. This emphasizes why we must defer to our national leaders to make these determinations.
41. ICISS, at XIII.
42. Glennon, at 112-120, surveys UNSC authorized interventions in Rhodesia (1965), South Africa (1977), Iraq (1991), Somalia (1992), Rwanda (1994), and Haiti (1994).
43. Walzer, supra note 3, at 20.
44. Jeremy Bransten, *Kosovo: U.S. Urges Independence 'Now,' Over Russian Objections* (Radio Free Europe), available at <www.rferl.org/featuresarticle/2007/06/145c6702-9437-49a8-a9a0-7d7e31bd842a.html>.
46. See NATO in Kosovo at <www.nato.int/issues/kosovo/index.html>.
47. See Wesley K. Clark, *Waging Modern War* (New York: Public Affairs, 2002), chapters 7-13 and David Halberstam, War in a Time of Peace (New York: Scribner's, 2001), chapters 39-43.
48. See, for example, Arend and Beck, 128.
49. Ramesh Thakur, *The United Nations, Peace and Security* (Cambridge University Press, 2006), 258 n.18.
50. Halberstam, 444-450, 470-471.

The Chinese Military's STRATEGIC MIND-SET



Lieutenant Colonel Timothy L. Thomas, U.S. Army, Retired

"STRATEGY" IS a Chinese military term with thousands of years of tradition and culture behind it. In antiquity, the Chinese classified strategists according to four concept-categories: power and stratagem, disposition and capability, Yin and Yang, and technique and skill.[1] This strong emphasis on strategic concepts can still be felt. The 1997 *Chinese Military Encyclopedia's* index, for example, offers a comprehensive overview of strategic concepts. The word "strategic" is followed by other terms (pivot, thought, surprise, etc.) 78 times in the index while concepts associated with the words "strategic" or "strategy" were used 21 times. A 2002 addendum to the encyclopedia added another 12 strategy-related items that resonate with idiosyncratic meaning often challenging to Western comprehension. But that does not mean that we cannot know how Chinese strategists think. By looking at several recent texts, especially *The Science of Military Strategy* (2001), we can arrive at some understanding of the Chinese military's strategic mind-set. It differs markedly from the methodology the U.S. uses to develop its strategic thought.

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Stratagem, Philosophy, and Science

The Chinese divide their concept of strategy scientifically into basic and applied theory, relying even today on the word's ancient roots. For example, in routing an electronic warfare attack on an adversary's computer network through a third country's network, the Chinese would say they seek to "kill with a borrowed sword."[3] Americans simply do not think in terms of using packets of electrons like so. This instance of cultural expression captures just how much ancient tradition has informed China's modern strategic thinking.

An important and revealing aspect of this mind-set is that the Chinese strive to impel opponents to follow a line of reasoning that they (the Chinese) craft. According to Li Bingyan, one of the most influential and brilliant contemporary Chinese strategists, they work to entice technologically superior opponents into unwittingly adopting a strategy that will lead to their defeat.[4] Li's examples are noteworthy. First, he asks how an inferior force could fight a technologically superior opponent. Using the example of a weak mouse (i.e., China) trying to keep track of a huge cat (i.e., the U.S.), he asks, "How could a mouse hang a bell around a cat's neck?" His answer: "The mouse cannot do this alone or with others. Therefore, the mouse must entice the cat to put the bell on himself." Second, he asks, "How can you make a cat eat a hot pepper?" His answer: "You can stuff a pepper down a cat's throat [the most difficult], you can put the pepper in cheese and make the cat swallow

it, or you can grind the pepper up and spread it on his back. The latter method makes the cat lick itself and receive the satisfaction of cleaning up the hot pepper."[5] The cat is oblivious to the end goal either in the case of the bell or the hot pepper. This deception reflects idiosyncratic Chinese strategy and, at least so far as how an inferior force might defeat a superior force, it evinces their mind-set.

When assessing the character of their country's military culture, China's ancient scholars arrived at a specific military style that is "good at strategy and adept at the use of the indirect method."[6] A recent report on China's military culture notes: "Chinese scholars' way of thinking was essentially a kind of wisdom and war, this lively confrontation between people with all its variables, this arena with all the traits of a game, which provided them with the best stage for giving free rein to their marvelous imaginations and creativity. While it is true that they attached importance to the substance of war, they attached even greater importance to bringing into play the subjective, dynamic roles of people, using strategy to gain victory, and they especially advocated not following one pattern and using the indirect to gain the upper hand."[7] The example of the cat demonstrates vividly the indirect method of bringing imagination and creativity into play.

Sun Tzu and Mao Tse-tung are probably the two most respected and quoted Chinese strategic philosophers and practitioners. Almost every bookstore in America has a copy of Sun Tzu's *Art of War* on its shelves, and even now, Western businessmen study Chinese strategic philosophy, including the 36 stratagems of war, to enhance sales and negotiation techniques.[8] Military institutes worldwide study Mao's writings on guerrilla warfare.

The Science of Military Strategy, a compilation of essays by academicians at the Chinese Academy of Military Science (AMS), examines Chinese military strategy from historical, cultural, and contemporary vantage points and captures the essence of Sun Tzu's and Mao's strategic thought.[9] Peng Guangqian and Yao Youzhi, the book's editors, are major generals in the People's Liberation Army (PLA) and are known for their thoughtful strategic analyses. Yao is chief of the Strategic Studies Department at AMS, where Peng is a research fellow. The book appeared just two years after a 1999 recasting of Chinese military rules and regulations (the Chinese equivalent of doctrine). Consequently, it should offer a look at how new rules and regulations affect strategy. The book's postscript notes that "the project team tried their best to write a theoretical work which is guided by the Marxist scientific concepts of war and strategy and based on our national and military situation; combines inheritance and development, imitation, and innovation; has the Chinese characteristics and features of the current time; and can play a guiding role in implementing the military strategic guidelines in the new era."[10] This postscript serves to underscore Chinese reliance on Sun Tzu's and Mao's strategic insights.

Comparing Chinese and U.S. Concepts of Strategy

According to the *Chinese Military Encyclopedia's* definition, strategy is "the analytical judgment of such factors as international conditions, hostilities in bilateral politics, military economics, science and technology, and geography as they apply to the preparation and direction of the overall military/war plan. It is advantageous: to study the occurrences and developments in war forecasting/predictions; to formulate strategic policy, strategic principles, and strategic plans; to make warfare preparations; and to put into place directives on the actual principles and methods of warfare."[11] With its culturally idiosyncratic comprehensiveness, this definition hints at the major differences between Chinese and American views.

The *Chinese People's Liberation Army Officer's Handbook* bases its definition more specifically on Mao's thoughts; that is, strategy is a contest in subjective ability between commanders of opposing armies to gain the initiative and superiority by manipulating material conditions.[12] Material conditions include a country's level of science and technology, defense budget, location of forces around the world, geographical setting, and such. Subjective ability is the manner in which commanders use creative ideas, initiative, and other factors to manipulate objective conditions to their benefit.[13]

The Science of Military Strategy gives a shorter definition of strategy. In a chapter on strategic thinking, Peng and Yao define strategy as "a general plan to prepare and direct the preparation and implementation of war."[14] Elsewhere, they defer to two Chinese classics that define strategy: Mao's



Problems of Strategy in China's Revolutionary War (1936) and *Military Terms of the Chinese People's Liberation Army* (1997).[15] In the first book, Mao defines strategy as "the study of the laws of a war situation as a whole"; in other words, strategy requires a comprehensive consideration of a war's various aspects and stages. *Military Terms* echoes Mao's definition.[16]

Peng and Yao conclude that, ultimately, strategy is designed to address the problem of who takes what means in how large a scope to gain what purpose. This last understanding of strategy is similar to a discussion of strategy in "A Survey of the Theory of Strategy" in the U.S. Army War College's *Guide to National Security Policy and Strategy*.[17] The survey notes that the strategist asks such questions as, What is it I want to do? What do I have, or what can I reasonably get that might help me do what I want to do? What is the best way to use what I have to do what I want to do? The college also uses a broader definition of strategy, attributed to Art Lykke: strategy equals ends plus ways plus means.[18] According to Lykke, if these three elements are not in balance, there must be an assumption of greater risk.

Until 2006, official U.S. publications such as Joint Publication (JP) 1-02, *Department of Defense Dictionary of Military and Associated Terms* defined strategy as "the art and science of developing and employing instruments of national power in a synchronized and integrated fashion to achieve theater, national, and/or multinational objectives."[19] In September 2006, JP 1-02 redefined strategy as "a prudent idea or set of ideas for employing instruments of national power in a synchronized and integrated fashion to achieve theater, national, and/or multinational objectives."[20] Under the umbrella of strategy, JP 1-02 also defines "strategic psychological activities" "strategic plan," "strategic mission," "strategic level of war," "strategic concepts," and "strategic advantage" among more than 20 strategic or strategy-related terms. Still, JP 1-02 does not place the same emphasis on strategy as the *Chinese Military Encyclopedia* does. As noted, the latter lists more than 70 terms with a strategic reference. Clearly, the U.S. definition of strategy lacks the same level of comprehensive detail as the Chinese view.

Factors affecting strategy: Chinese views. The editors of *The Science of Military Strategy* note that when determining strategy, strategists must consider national interests, war strength, and an opposing force's war potential. International political factors also have a role in determining strategy. These could include international political configurations, coalitions, and organizations; the strategic intentions of major states; and the overall balance of power. Moreover, Chinese strategists need to keep in mind the influence and restrictions of domestic politics. Both international and domestic politics determine military strategy, and military strategy's aim is subject to that of politics.[21]

Chinese views likewise take account of geostrategic relationships, natural geographic elements (such as a state's position, size, and natural resources), and human geographic elements. Geo-economic relations and conflicting interests among states, religious sects, and alliances might determine the alignment of the various players.[22] Strategic studies should be comprehensive and view war from various aspects and stages (space, time, and so on).[23] In the Chinese perspective, these are objective conditions.

Factors affecting strategy: U.S. views. The Army War College's guidelines for strategy formulation appear in appendix 1 of its *Guide to National Security Policy and Strategy.*[24] The guidelines note that strategy formulation is simultaneously a scientific and creative art that follows certain patterns. These patterns require a common understanding of terminology and adherence to certain principles. Planners develop strategy according to time, place, and personalities involved. Core interests (ends) are physical security, the promotion of values, and economic prosperity. Interests are fundamental national concerns and are written as conditions without verbs, action modifiers, or intended actions. Whether an interest is vital, important, or peripheral determines the priority accorded to it. The strategic process identifies interests and determines objectives (ends), concepts (ways), and resources (means) to achieve strategic goals. National security interests dictate strategic objectives. The ways and

means to obtain these objectives are based on the national leadership's strategic vision, which has ranged from isolationism to global engagement, containment, and primacy. Grand-strategic means involve America's national instruments of power at the broadest level.[25] Strategists develop strategies employing all of these instruments.

Analysis also identifies opportunities and threats to interests. Regardless, interests should *not* become a function of a threat because this conjunction might skew the allocation of commitments and resources.[26]

In the U.S. view, strategy formulation at any level employs a strategic thought process based on balancing ends, ways, and means.[27] Strategy should always be end-driven to ensure maximum opportunity to achieve objectives. Strategists examine each option according to its feasibility, acceptability, and suitability and subject each option to a risk assessment. Risk assessment is essential for determining consequences, including possible second- and third-order effects if forces do not attain full success.[28]

The Science of Strategy

The focal point for the broader concept of Chinese strategy in the 2001 version of *The Science of Military Strategy* is the science of strategy (SOS).[29]

While the U.S. has not defined SOS, it is generally regarded as the military science that studies the principles of war, the principles of the conduct of war, and the principles of the evolution of strategic thought. The SOS reveals the essence of war and strategy, the various objective elements that influence strategy, and the operating functions and inherent principles that govern strategic thinking and strategic guidance during war.[30]

Peng and Yao note that the SOS is a military science characterized by politics, antagonism, comprehensiveness, stratagem, practice, and prediction.[31] This characterization is philosophically important because it contains the idiosyncratic essence of many Chinese strategic elements:

- *Politics* is the soul of strategy.
- *Antagonism* most likely refers to contradiction and dialectic, the idea that concepts are always in competition with one another, similar to Hegel's idea in which a concept is converted by its opposite. First there is a thesis, then an antithesis, resulting in a synthesis.
- *Comprehensiveness* entails a comparison of certain factors in international relations or of various Chinese internal factors. The term defines an all-inclusive method for examining a state's power base. It differs from the old Soviet term meaning "correlation of forces" because it requires a more holistic consideration of all issues affecting strategy and power: the economy, culture, the military, and so on. Peng and Yao use "comprehensive" in conjunction with "national power," "sea power," "strategic interest," "strategic targets," "strategic benefits," "cyberized war," "confrontation capacity," "national defense construction," "support efficiency," and "national strategy." Specific institutes in China calculate comprehensive national power year by year based on select criteria. This habit of looking at things holistically is a major feature of Chinese strategic assessments. It is not always done in U.S. assessments.
- *Stratagem* is perhaps the most important SOS characteristic because deception is a practical expression of strategy. As aforementioned, ancient Chinese military strategists were classified according to power and stratagem, disposition and capability, Yin and Yang, and technique and skill.[32] The purpose of power and stratagem was "to defend the state by orthodox methods and to use force by unorthodox methods" (not unlike asymmetric war).[33] Stratagem is fundamentally about deception, as in the example of the cat and the bell. According to Peng and Yao, modern Chinese strategists—themselves included—favor power and stratagem. They claim that SOS is "a science of wisdom to sum up the laws of using stratagems," and note that Caesar thought stratagem was more important than arms, while Lenin believed there could be no war without stratagems.[34] As a point of contrast, Peng and Yao see Western strategic theories as being more disordered and less systematic than China's.[35] China's concentration on the deception in stratagems highlights this difference in thinking.
- *Practice* means that one does not simply base strategy on pure reason: the science of strategy is founded on practice.[36] This might be the weakest link in the Chinese theory of strategy. During the past 50 years, the People's Liberation Army has not had much practice other than during local exercises. However, recent Chinese incursions into U.S. computer systems (Titan Rain, reconnaissance efforts at the Naval War College, etc.) indicate that perhaps

there is more peacetime practice, at least in the electronic world, than one might have expected.

● *Prediction* is predicated on a deep analysis of all relevant elements and intentions and a complete understanding of objective conditions, not on simple analogy or inference.[37]

Basic and Applied Strategic Theory

The SOS, precise and detailed in its characteristic elements, has two components: basic and applied strategic theory (see figure).[38]

Basic theory of strategy. The Chinese military subdivides basic strategic theory into the following:

● Concept of strategy (the relationship between war and strategy, targets and categories of SOS studies, scientific connotations of strategy, status of SOS in military art, strategic elements, strategic classifications, and stratified structure).

● Related elements of strategy (politics, economy, science and technology, national interests, geography, cultural tradition, military force).

● Development history and evolutionary laws of strategic theory (study of historical paths leading toward the development of strategic theory).

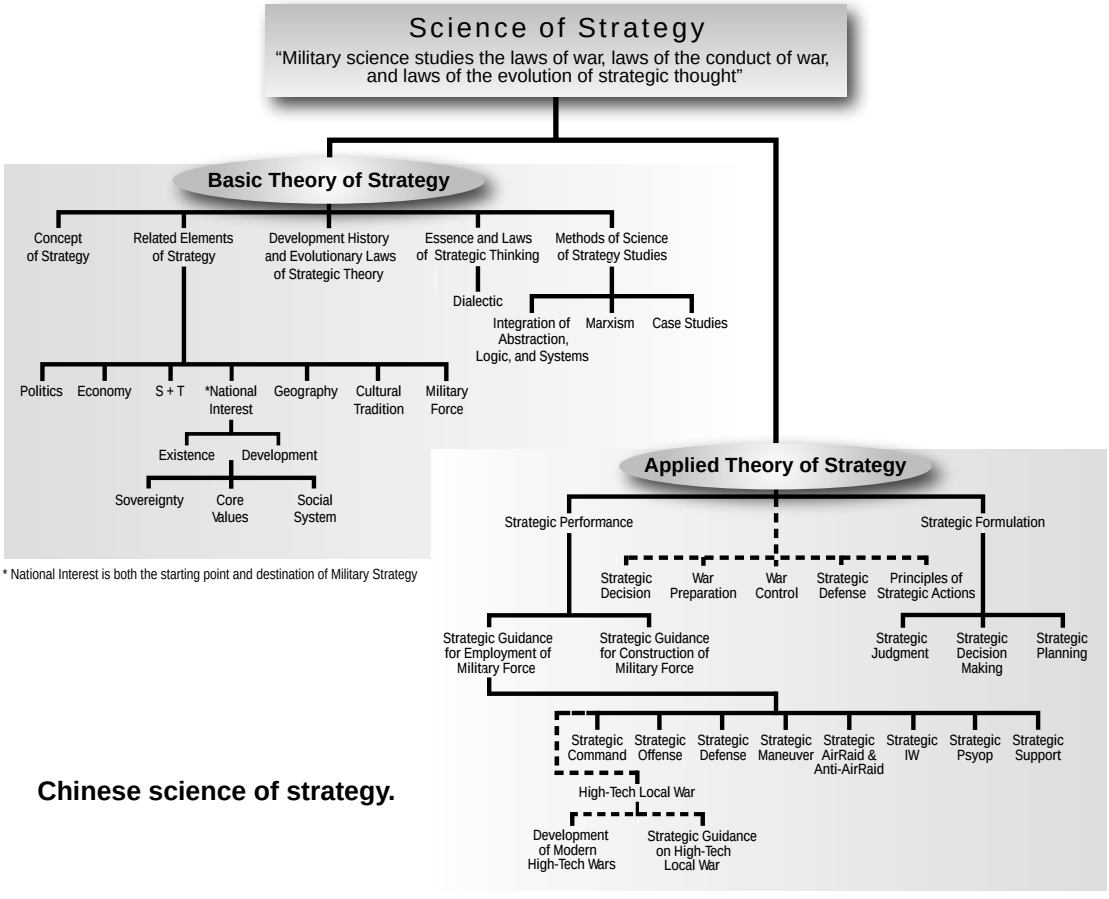
● Essence and laws of strategic thinking (the top level of military art, based on the dialectic).

● Methods of SOS studies (scientific theories of knowledge and methodology in the strategic field that orient, process, and examine strategy and look at the integration of abstraction, logic, systems, Marxism, and case studies).[39]

Three of these five subdivisions are elaborated below, to illuminate how SOS reflects the Chinese military's strategic mind-set.

– Concept of strategy. Peng and Yao give an overall view of the "concept of strategy" from a Marxist viewpoint that emphasizes the objective-subjective nature of strategy:

> The objective physical conditions of war determine the laws of war as well as the guiding laws of war. Although strategy manifests itself in a war conductor's activities of subjective guidance, it [strategy] is by no means the war



Chinese science of strategy.

> conductors' personally extemporary elaboration. Instead it is based on given objective physical conditions and restricted by a certain social mode of production and certain social conditions of history. Therefore, it is an important task for studies of the science of strategy to correctly analyze the objective elements having a bearing on war strategy and reveal their inherent connections with war strategy.[40]

Many of the primary characteristics of the Chinese "concept of strategy" shine through in this quotation. However, note that subjective creativity ("the war conductors' personally extemporary elaboration") might be limited because of a regime's economic conditions (e.g., the social mode of production determines the type of weapons available) and military history and culture (e.g., historical social conditions influence when to use force and when to use diplomacy). From this it appears that the dynamic relation among subjective creativity, the "objective physical conditions of war" (called "laws" in the quotation), and contingent factors affecting strategy appear not fully articulated in Peng and Yao's Marxist summary.

— Related elements of strategy. Peng and Yao's seven related elements—politics, economy, science and technology, geography, cultural tradition, military force, and national interest—are factors that subjective creativity can manipulate. Four of them are factors in determining strategy. The final element, national interest, is, according to the editors, both the start point and destination of military strategy.[41] As such, it is the most important factor that determines strategy. It encompasses a state's objective physical and spiritual requirements. The Chinese divide national interest into national political interest, national economic interest, national military interest, and so on. Generally, national interest equates to territorial integrity, security, political sovereignty, development, stability, and dignity.[42] Strategic goals involve protecting these vital interests.

The element of strategy that functions as the second most important determining factor is military force, the nation's strength and ability to fight and win a war. Strength and ability to win help determine the nation's material base for strategic planning. They are the fundamental means of achieving military strategic objectives. They also constrain war-making efforts and are the most active factors in efforts to change military strategy.[43]

Geography is a third related element that factors into determining strategy. As Peng and Yao discuss it, geography includes "geographic position," "size and shape of territory," "natural resources," "the national capital's location," "frontiers and national boundaries," "relative distance between states," and "grand strategic space" (maritime, atmospheric, and outer space).[44] Taking these sub-elements into consideration with the other determining factors naturally plays into how strategic resources will be manipulated.

A fourth and extremely important element that also functions as a determining factor of strategy is culture. Peng and Yao define culture as "the sum total of a state or a nation's spiritual and material precipitations accumulated under a long period of influence of its natural circumstances, social pattern, and economic level."[45] One forms strategic thought on the basis of certain historical and national cultural traditions, and the formulations and performance of strategy are always controlled and driven by a certain cultural ideology and historical-cultural complex.[46] Different cultures bring various understandings of our world to the table. Close attention to a nation's strategic culture can offer insight about that nation's own strategy, enabling Chinese strategists to judge the strategic environment with greater certainty. With regard to culture, Peng and Yao note that—

> The cultural history of the Chinese nation lasted more than 5,000 years without interruption, forming a national cultural tradition with its unique characteristics. The benevolence and self-discipline of the Confucius school, the reluctance to use force and [the] indifference to fame and fortune of the Taoist school, the diligence and sincerity of the Mohist school, the tactics and stratagem of military science, the sizing up of situations of political strategists and the education on farming and warfare of legalists all had tremendous influence on Chinese strategic thinking and strategic culture. Chinese philosophy values identity and unification. Chinese history is a history of a unified multinational state for more than 2,000 years. All these [factors] imprint firmly and deeply the idea of unification on the psychology of the nation.[47]

To summarize, cultural tradition plays a large role in determining strategy and shaping China's articulation of its strategic mind-set.

— Essence and laws of strategic thinking. The principles (i.e., "laws") of strategic thinking are another subdivision of the basic theory of strategy. In accordance with strategic factors, strategic thinking formulates strategic thought, strategic guidelines, and strategic decisions.[48] The characteristics of strategic thinking include—

- Totality (a comprehensive look at the parts and elements).
- Confrontation (a contest of material and spiritual forces).
- Certainty (starting from the fact that war is full of uncertainty about the enemy situation but ending with certain conclusions about the enemy).
- Foresight (using history, current factors, wisdom, and resolution to visualize future war).
- Creativity (that is, the soul of strategic thinking requires subjective initiative to surpass experience and tradition).
- Inheritance (culture).[49]

Strategic thinking should always possess these characteristics regardless of any model employed to form strategy. Among the five models of strategic thinking that Peng and Yao list are the objective and subjective thinking model and the stratagem and force thinking model.[50]

Objective strategic thinking refers to activities that, in war, reflect the objective principles of war and strategy (called "laws" in their models). Subjective strategic thinking refers to activities that yield strategic judgments and decisions based on subjective will, especially the data and experience in one's mind.[51]

A second model of strategic thinking is the stratagem or force type, divided according to the degree of strength (soft stratagem or hard force) applied by the strategic subject. Winning by stratagem has always "been the main idea of traditional Chinese strategic thinking . . . [It entails] the use of limited force to achieve victory or to realize the aim of the war."[52] In contrast, Western thinking pays more attention to contests of strength, emphasizing direct confrontation or force-type models.[53]

Applied theory: general laws and the conduct of war. The second subdivision of the Science of Strategy is applied theory, the practical system that studies the principles of strategic guidance (i.e., its "laws"), which consist of strategic formulation and strategic performance.

Strategic *formulation* comprises—

- Strategic judgment (the nature of a threat, posture, or intention).
- Strategic decision-making (the strategic aim, mission, guidelines, and deployment).
- Strategic planning (the prearrangements for war).

Strategic *performance* consists of—

- Strategic guidance for the construction of military force.
- Strategic guidance for the employment of military force (including such operations as strategic command, strategic maneuver, strategic offense and strategic defense, strategic air raid and anti-air raid, strategic information warfare, strategic psychological warfare, and strategic support. Developing laws for high-tech local wars is a new field in this subset).[54]

Strategic planning, a subset of strategic formulation, is of particular interest. Peng and Yao note that the task of strategic planning is to restrict war, make war preparations, and win the war, in that order.[55] A wise strategist's first step is to soberly estimate the war strength and potential of an opposing force in order to analyze the basis of war.[56] Intimidation, efficient war power, limited deterrence means, and some form of parity are the best ways to contain and restrict war.[57]

A deterrence strategy, which consists of appropriate military strength, resolve, and the will to use force, is necessary to persuade an opponent to perceive such strength and resolve. The deterrence strategy can be subdivided according to purpose and nature (offense and defense); degree (superiority, parity, limited, and minimum); scope (overall and partial); and structure (conventional, nuclear, and biochemical weapons).[58] War preparations should be underway even in peacetime in case strategies to contain and restrict war fall short.

Strategy in the Information Age

Stratagems and strategy have undergone evolutionary changes over the past 30 years with the advent of information technology and the miniaturization of weapons and equipment. The 1970s and 1980s witnessed the introduction of microtechnologies, advanced missile technologies, cyberization of weaponry (the use of computer chips in weapons for guidance, precision, and so on), and the spread of military technologies into the civilian arena via

the Internet. United States forces availed themselves of these technologies during the Persian Gulf War with devastating effects. Chinese military planners studied the high-tech experiences of U.S. forces to examine the effects of information technology on military strategy and future warfare. Of key interest was how to integrate strategy and technology, a problem often discussed in articles, books, and official presentations. In addition to the integration issue, Chinese strategists attempted to keep the long-term development of the military in view. When pondering how to fight future wars, Chinese strategists thought holistically, having "the whole world in view" as well as the "strategic chain of the past, present, and future."[59] This holistic emphasis reflects China's continuing attention to its cultural legacy as its modern strategic mind-set evolves.

The continuing impact of culture is apparent in recent literature on the topic. In *On the Chinese Revolution in Military Affairs*, Li Bingyan discusses Information Age strategy, defining it as a special way decision-makers can use information to influence or control the direction of an opponent's decision-making activities.[60] He writes that strategy is the sum of decision-makers' wisdom, intelligence, and intellect put into a plan; as practiced by astute strategists who calculate the future, grasp the situation, make comprehensive plans, and seek gains, it provides the means to gain the upper hand.[61]

According to Li, military forces use the fog of war to execute, conceal, and develop strategy. Strategists hope to know the situation on the other side so their use of strategy and concealment can add to the opponent's fog of war. Thus, strategic planning calls for knowing the enemy, while implementing strategy requires that you use a channel of information to send the things you want the opponent to know.[62] To thwart enemy plans, friendly forces must analyze their own and the enemy's interests, to include how important each interest is, and they must resolve any apparent contradictions they uncover. They then arrange factors to see if their own objectives can be realized by influencing or destroying the opponents' cognition systems or by changing the opponents' decision-making.[63]

Li believes military strategy should absorb the new methodologies such as systematology, cybernetics, synergetics, mutationism, information theory, dispersion theory, function theory, intelligence theory, optimality theory, homology theory, and fuzzy theory.[64] He asserts that if one absorbs and understands these properly, one can update strategy and be able to take advantage of contemporary conditions. Risk and opportunity coexist.[65] Fighting in the physical, information, and perception realms leaves a wide space for the application of strategy. Strategy should adapt and change, and its capabilities should improve.[66]

Li adds that Western game theory can be characterized as "no matter what game the opponent uses, the game we use must assure the greatest gains and the least losses; that is, the so-called 'maximum/minimum principle.'" Game theory is a connotative method used to resolve a contradiction within the contradiction. An algorithm method, it can be expressed in precise mathematics. Game theory strives for certainty and reliability. Strategy, on the other hand, attempts to make the opponent commit errors in the realization of his goals. Remember the cat and the mouse. Strategy was the mouse's method to make the cat do as the mouse wanted.[67]

In Peng and Yao's opinion, Li is correct: war and strategy have never before changed so dramatically and profoundly. The direction of these developments is difficult to predict, and their nature is difficult to recognize, which implies that only practice can test or improve theory. Further, Peng and Yao note that "dramatic developments in the practice of wars urgently require new theoretical explanations about the emerging situation."[68] In their opinion, information age technical developments are being applied to local war scenarios as well as potential large-scale war scenarios, producing new problems and new conclusions that warrant a reevaluation of the principles of war and war's conduct.

Improving the Theoretical Strategy System

Peng and Yao appear to have taken several favorable steps toward improving the theoretical system of Chinese strategy. Noting that antagonism, politics, comprehensiveness, stratagem, practice, and prediction characterize military science, they highlight the need for each to work in harmony. They focus on the characteristics of strategic thinking (totality, confrontation, certainty, foresight, creativity, and inheritance), and this sharpens the reader's thoughts on harmony of effort. Peng and

Yao detail a host of applied strategic issues that indicate a comprehensive approach to adapting strategy to high-tech war. With their emphasis on harmony, their new steps illustrate China's continuing reliance on their cultural tradition in developing a modern strategic mind-set.

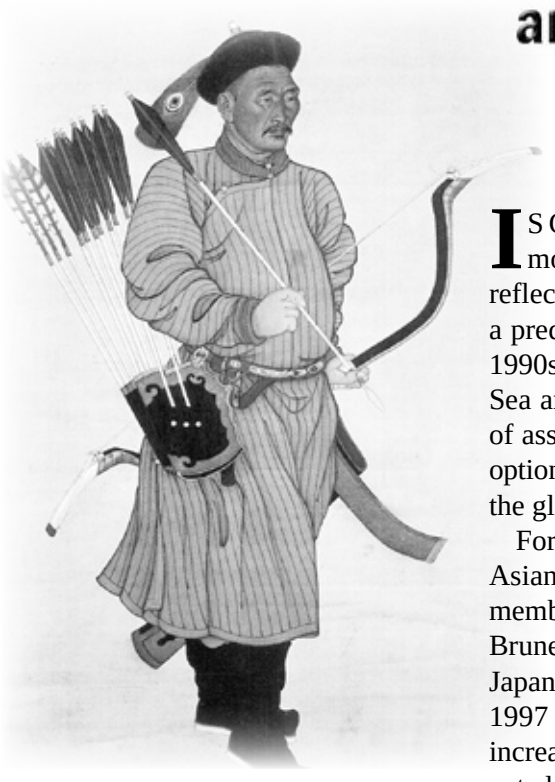
Peng and Yao also integrate several issues into their narrative that should sound familiar to Westerners: centers of gravity, asymmetric thinking, national interests, and principles of strategic action. Other issues they discuss are more idiosyncratically Chinese and Marxist in nature and less easily understood: objective versus subjective thought; the nature, form, means, application, and time features of strategy; and the division of strategy into basic and applied aspects. As a result, the reader is left with the feeling that the Chinese concept of strategy is much more comprehensive than that of Western strategists.

In fact, the West has much to learn from China as regards strategy. Judging by its recent battlefield performances, the U.S. military seems to have cornered the market on tactical expertise, and Russian military theorists have always been ahead of the field when it comes to operational art. But it is the Chinese, with their long historical perspective and their comprehensive, nuanced approach, who have the greatest expertise in strategic issues. *The Science of Military Strategy* adds to their legacy. ***MR***

NOTES

1. Stratagem generally refers to scheming and military strategy (or tactics—taolue); the war planning (or scheme, plot—mohua) employed by the two opposing combatants to be used at different levels of military strategy, military campaign, and military tactics in order to obtain victory. Military stratagem is a product of the development of war, the concrete manifestation of human subjective actions on material forces, and reflects the general principles of military struggles, possessing a corresponding stable nature and vigorous liveliness. See the *Chinese People's Liberation Army Officer's Handbook* (China: Qingdao Publishing House, June 1991), 197. Hereafter PLA *Handbook*.
2. *Chinese Military Encyclopedia* (Beijing: Junshi Kexue Chubanshe, July 1997), index. Hereafter CME.
3. PLA Handbook.
4. Li Bingyan, "Applying Military Strategy in the Age of the New Revolution in Military Affairs," in *The Chinese Revolution in Military Affairs*, ed., Shen Weiguang (China: New China Press, 2004).
5. Ibid., 2-31.
6. Wang Xingsheng, "Chinese Intellectuals Paying Close Attention to Military Issues: Tradition and Its Impact on Military Culture," *China Military Science* 6 (2002): 23-27.
7. Ibid.
8. Sun Tzu, *Art of War* (Oxford, UK: Oxford University Press, 1971).
9. Peng Guangqian and Yao Youzhi, eds., *The Science of Military Strategy,* English version (China: Military Science Publishing House, Academy of Military Science of the Chinese People's Liberation Army, 2005).
10. Ibid.
11. CME, vol. 3, 699.
12. PLA *Handbook*.
13. Peng and Yao list the three stages of protracted war as the enemy's strategic offensive and friendly strategic defense, the enemy's strategic consolidation and friendly preparation for the counteroffensive, and friendly counteroffensive and the enemy's strategic retreat (57).
14. Ibid., 130.
15. Mao Tse-tung, **"**Problems of Strategy in China's Revolutionary War" in *Selected Works of Mao Tse-Tung* (China: 936), online at <www.marxists.org/reference/archive/mao/selected-works/volume-1/mswv1_12.htm>, accessed 27 July 2007; *Military Terms of the Chinese People's Liberation Army* (China,_1997) as cited in Peng and Yao, 9.
16. Ibid., 10.
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27. Ibid., 389, 390.
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29. Peng and Yao, 2.
30. Ibid.
31. Ibid., 27.
32. Ibid., 5.
33. Ibid., 27.
34. Ibid.
35. Ibid., 94.
36. Ibid., 26.
37. Ibid., 28.
38. The words that served as the basis for the figure are from Peng and Yao, 29-35.
39. Ibid., 31-135.
40. Ibid., 39.
41. Ibid., 30.
42. Ibid., 39-44.
43. Ibid., 55-62.
44. Ibid., 62-72
45. Ibid., 31.
46. Ibid.
47. Ibid., 128.
48. Ibid., 130.
49. Ibid., 132, 133.
50. The other models are open and closed thinking, conservative versus creative strategic thinking, and unitary versus systematic strategy thinking (Peng and Yao, 136, 137).
51. Peng and Yao., 134, 135.
52. Ibid.
53. Ibid., 135.
54. Ibid., 34, 35.
55. Ibid., 13, 14.
56. Ibid., 59.
57. Ibid., 59, 60.
58. Ibid., 15-18.
59. Ibid., 32.
60. Li Bingyan, "Applying Military Strategy in the Age of the New Revolution in Military Affairs" in ed. Shen Weiguang, *The Chinese Revolution in Military Affairs* (China: New China Press, 2004), 2-31.
61. Ibid.
62. Ibid.
63. Ibid.
64. Ibid. Situations that commanders' talk about in military strategy refer to different locations in space and different distributions of forces. Creating a situation that strategy can exploit requires mastery of the following principles: high-position situations restrict low-position situations; external situations (exterior lines) restrict internal situations; network situations restrict satellite-point situations (force must be dispersed, extended, multipoint); one flank situations (focusing the flow of energy, grasping the heart of an operation) restrict multiple flank situations; bearing situations (those that are mutually codependent and interact—an example is ball bearings that play a role together) restrict plate situations (if you injure one, you injure all); and important-point situations restrict line situations and surface situations. (Point refers not to size but to the location in the overall situation. For example, the U.S.'s 16 seaports, as well as its high-technology campaign operations and precision attacks, are point operations.)
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CHINA'S PRAGMATIC RISE
and U.S. Interests in East Asia



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IS CHINESE FOREIGN POLICY undergoing a profound change? During most of the past five decades of Communist rule, China's foreign policy reflected a strong tendency toward bilateral relations and a readiness, if not a predilection, to use force to assert its will. Even as recently as the mid-1990s, China used military power to bolster its claims in the South China Sea and to threaten political stability in Taiwan. However, while this sort of assertive use of power still remains in China's quiver of foreign policy options, Chinese diplomacy has become dramatically more prevalent around the globe, especially in East Asia.

For instance, China was active in forming the Association of Southeast Asian Nations +3 (ASEAN +3) forum, which includes the ten ASEAN member countries (Indonesia, Malaysia, Philippines, Singapore, Thailand, Brunei Darussalam, Vietnam, Laos, Myanmar, and Cambodia) plus China, Japan, and South Korea. The forum was created to prevent a repeat of the 1997 financial crisis that devastated East Asian economies, but it now increasingly deals with issues tied to security. ASEAN +3 recently participated in talks concerning the possible development of an East Asian Community (EAC), which would include the ASEAN +3 countries and India, Australia, and New Zealand.

China has also been active in multilateral diplomacy in Northeast Asia. The nuclear crisis on the Korean peninsula prompted the creation of the Six-Party Talks, with China playing an important role in the negotiations among North Korea, the United States, Japan, Russia, and South Korea. The talks gave China a chance to assume a good deal of responsibility for Northeast Asian affairs and the maintenance of a stable Korean peninsula. They also provided a venue for China to improve its relations with the United States, Russia, and especially South Korea.

All of these developments point to China's increased use of cooperative diplomacy, but does this shift in attitude portend a fundamental, lasting change in Chinese foreign policy? I believe that it does not. China's strategic outlook has always featured a pragmatic attitude about using military force to attain results. Its show of restraint now is a symptom of the environment its leaders face. Simply put, diplomacy and restraint have practical advantages for China's leaders.

China has long understood that change is inevitable. This outlook has influenced China's grand strategy, which has four goals: maintaining domestic stability, ensuring territorial integrity, developing a strong military, and increasing geopolitical influence. China has prudently perceived the post-Cold War era as a window of opportunity to make gains toward its four goals by using "soft-power" diplomacy.[1] This window opens wider the longer the

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United States remains enmeshed in the Middle East and Central Asia. In addition, China has come to view its participation in multinational organizations as an enabler not only for pursuing greater geopolitical influence, but also for countering U.S. influence. With this in mind, China is participating in efforts to develop the aforementioned EAC. Unlike the existing ASEAN Regional Forum, the EAC will include only countries from East and South Asia.

By acting as a responsible, cooperative stakeholder in the region, China also aims to re-shape its old image as a potential military threat. The old image dominated many Asian states' thinking about China during the Cold War, driving them to seek alliances with the United States. By adopting a more peaceful image, China is seeking to change these alliances.

From the perspective of U.S. interests, the greatest strategic challenge in East Asia is how to respond to increasing Chinese influence. The best U.S. strategy should entail improvement of its existing system of bilateral alliances and focusing diplomatic efforts toward resolving major regional security issues. The most pressing issues include limiting Chinese influence to ensure continued economic access, deterring conflict, and preventing a strategic arms race in the region. Such efforts will enable the United States to maintain its strategic relevance in the region and cultivate a positive image as the better alternative, the "hegemon of choice" for East Asian states.

To analyze the pragmatic nature of China's rise, I will apply the concepts of *strategic culture* and *grand strategy*, stressing the importance of culture at the strategic level as it applies to Chinese foreign policy and its links to grand strategy. I will use China's involvement in East Asia to demonstrate how the country is implementing its grand strategy using diplomacy as the primary instrument of national power, and I will discuss the benefits that China reaps from such a strategy. I will also recommend some specific policies to enable the United States to better protect its interests in the region.

Strategic Culture and Grand Strategy

There have been many attempts to describe China's grand strategy. Michael D. Swaine and Ashley J.



AFP, Roslan Rahman

ASEAN and East Asia leaders join hands after signing the Kuala Lumpur Declaration on the East Asia Summit in Kuala Lumpur, Malaysia, 14 December 2005.

Tellis, authors of *Interpreting China's Grand Strategy: Past, Present, and Future*, argue that China's current grand strategy is *calculative* and has three components—a nonideological approach necessary for continued economic growth, a deliberate restraint on the use of force, and an expanded involvement in regional and global multilateral forums.[2] Chinese politics expert Avery Goldstein talks of a *transitional* strategy that puts "a premium on sustaining a peaceful environment necessary for the growth that will enable it to rise to the position of a true great power."[3] Others describe Chinese strategy as *conditional multilateralism*, in which China views multilateral security cooperation in a pragmatic but ambivalent way "to provide an alternative to the existing bilateral military alliances that the United States maintains with its key allies."[4] There have also been many references to China's *peaceful rise* through a "New Security Concept" focused on economic growth, respect for national sovereignty, and increased regional cooperation.[5] Different as they are, these labels all allude to China's consistent strategic preference for pragmatism in pursuing its grand strategic goals, a preference that is heavily influenced by strategic culture.

The literature on the concept of culture is robust and full of competing definitions and theories.[6] Clifford Geertz defines culture as "a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate, and develop their knowledge about and attitudes towards life."[7] Aaron Wildavsky defines culture as "grand theories . . . from whose initial premises many consequences applicable to a wide variety of circumstances may be deduced."[8] For both men, culture acts as a filter through which members of a society make sense of the environment around them and determine how they should interact with it. Because many historical, political, military, and socioeconomic factors influence an environment, it makes sense that culture also affects preferences for behavior in navigating it. In the case of a strategic milieu, the choice rests between cooperation and resorting to force: "In so far as culture affects behavior, it does so by limiting options and by affecting how members of these cultures learn from interaction with the environment."[9] As in other environments, in a strategic milieu a cultural perspective is inevitable.

Just as culture influences one's personal behavior, *strategic culture* influences national behavior at the strategic level. China's strategic culture influences choices in the ways and means by which China prosecutes its grand strategy. Perhaps Alastair Iain Johnston describes it best in his book *Cultural Realism: Strategic Culture and Grand Strategy in Chinese History.* For Johnston, strategic culture is a "[c]onsistent and persistent historical pattern in the way particular states (or state elites) think about the use of force for political ends."[10] Thus, strategic culture furnishes a social construct that influences how states resort to diplomacy and military force.

Johnston characterizes China's strategic culture as a kind of cultural realism, or a blend of Western-style realpolitik and a more pacifistic outlook stemming from traditional Chinese philosophical values. This characterization contrasts with the prevailing notion about the difference between China's strategic culture and the West's. In Johnston's words, "One consequence of these interpretations of traditional strategic thought is a tendency in the literature to juxtapose Chinese and Western strategic cultures, and to conclude that the West stresses the application of technology, firepower, and offensive wars of annihilation while the Chinese have a preference for stratagem, minimal violence, and defensive wars of maneuver or attrition."[11] The literature positing China as having such a defensive-minded culture is extensive, which makes Johnston's thesis all the more intriguing.[12] Yet, even Johnston's more bellicose version of China's strategic culture makes significant room for pragmatism.

Johnston terms China's penchant for pragmatism "absolute flexibility:" "The notion of absolute flexibility, or *quan bian*, mediated this [offensive] preference . . . making decision-makers sensitive to the relationship between changes in capability and opportunity . . . and the likely efficacy of this preferred strategy. The result was, in essence, an opportunistic decision calculus."[13]

I believe the essence of China's strategic culture is a pragmatic view about the benefits of using military force in the pursuit of strategic goals. This pragmatic view favors the continued development of a modern military with asymmetric capabilities to offset Western dominance in military technology. This essential nature is pragmatic because it considers applying or restraining force based on calculations of capability and assessments of strategic opportunity in pursuit of its strategic goals.

[China's] view favors the continued development of a modern military with asymmetric capabilities to offset Western dominance in military technology.

China's Strategic Goals

As aforementioned, China's grand strategy has four basic goals. First, China is resolved to maintain domestic political stability. In the recent past, it did this through revolutionary ideology and Leninist practices. Now, it does it by improving the quality of life for its people. This objective is encountering both dramatic successes and serious challenges. Second, China continues to protect its territorial integrity. Formerly, it did this through military campaigns, but it now prefers diplomatic agreements, at least for the time being. Third, China continues to develop a strong professional military, emphasizing both conventional and asymmetric capabilities. Fourth, China is increasing its geopolitical influence to obtain political leverage, economic benefits, and access to energy.

In pursuing these goals, China historically has relied on combinations of force and diplomacy in accordance with calculations influenced by its strategic culture. As noted, since the end of the Cold War, China has shown a preference for avoiding conflict. As long as its grand strategy is successful, China will continue to de-emphasize military force, but this will not last indefinitely if serious setbacks occur. Such setbacks could include domestic instability, another Taiwan crisis, deteriorating relations with other powerful Asian states like Japan, and a growing arms race in East Asia. The potential for leveraging military force will surely increase under these conditions.

Domestic stability. Domestic stability is especially important for China's leaders given the nation's long history of anxiety about political legitimacy in the face of both internal and external threats. Since the dawn of Chinese civilization, the nation's rulers have always worried about political legitimacy. Confucian philosophy has heavily influenced the relationship between authority and legitimacy. Confucianism stresses filial piety, demanding loyalty and obedience to one's father hierarchically through to the ruler, who has overall authority as the representative of Tien, the Son of Heaven (with all the power the title implies). However, this legitimate claim to authority is contingent on a ruler's ability to lead with virtue. If a ruler failed to provide good governance and the Chinese people deemed him no longer virtuous, then the people were justified in unseating him. Even the Chinese Communist Party (CCP) under Mao intuitively identified with this idea as it struggled to overthrow Chiang Kai-shek's nationalist government, which it deemed corrupt.

The Confucian idea of virtuous rule presents an ongoing philosophical challenge for the CCP as it works to maintain its political legitimacy. Under Mao, revolutionary ideology, Leninist policies, and cultish practices offset ineffective, unvirtuous governance. Under Deng Xiao-ping in 1982, CCP leaders largely abandoned Maoist ideology and embarked on a rather remarkable set of reforms that one might call *communism with capitalist characteristics*, a rather far cry from Mao's *communism with Chinese characteristics*. The apparent contradiction in the new "communist capitalism" has generated ideological dissonance and challenges to the CCP's legitimacy.

On the one hand, the economic reforms started by Deng led to the development of special economic zones along China's coastline where state controls were relaxed and capitalism flourished, producing some extraordinary results. As of 2006, China boasts the second highest GDP in the world in terms of purchasing-power parity, second only to that of the United States and more than twice that of Japan. On the other hand, the CCP's emphasis on economic performance to bolster legitimacy has come increasingly under challenge. First, as an ideological shift away from Marxism and socialism, the new capitalism calls the original logic behind CCP legitimacy into question. This shift makes it crucial that the CCP deliver better governance and economic growth or face greater problems should the new economic policies fail.

The Tiananmen Square demonstrations in 1989 are a poignant reminder of this challenge to the CCP's legitimacy. While the Party successfully cracked down on the demonstrators and weathered the ensuing diplomatic backlash from other countries (including



AP, Sadayuki Mikami

Calling for freedom and democracy, demonstrating students surround policemen near Tiananmen Square in Beijing, China, 4 May 1989. Approximately 100,000 students and workers marched toward the square demanding democratic reforms.

the United States), it faces further social unrest. The size and scale of subsequent demonstrations have not repeated those of Tiananmen, but the number of demonstrations has increased from 58,000 incidents in 2003 to 87,000 in 2005, and they are becoming broader in scope, larger in average size, and more frequent.[14]

China also faces a host of major socioeconomic issues such as a growing income gap between the rich and the poor, which undermines CCP legitimacy; the spread of AIDS and other health problems; political corruption; environmental degradation; a migrant workforce of over 100 million individuals who left the countryside for the coastline to find employment; and last but not least, an explosion in the numbers of nongovernmental organizations (NGOs) operating in Chinese society.[15] The rise of NGOs present a challenge to CCP governance because, through them, the Chinese populace can increase demands for greater transparency in the political process and create additional forums for social and political activism.

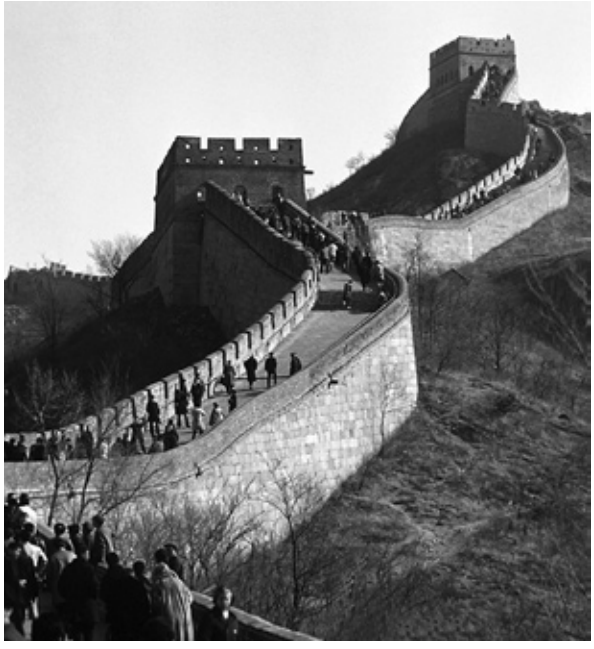
Given the magnitude of these challenges, the need for success is high in the CCP's ongoing experiment in economic reform. If these reforms do not produce the kind of broad prosperity associated with Confucian virtuous government, CCP legitimacy will suffer a severe blow. Should the Party's experiment fail, one would expect its preference for cooperative diplomacy to erode as well.

Territorial integrity. China's second strategic goal, to maintain territorial integrity, has for centuries affected the way the country interacts with its neighbors. Owing to geographical features that make border defense difficult and long experience with nomadic incursions, China has always sought territorial integrity. The Great Wall is a tangible result of this goal. Defending the land holds a special place in Chinese culture. Over 4 millennia, the country has constantly struggled to secure 10,000 kilometers of border, a stretch it has shared with up to 17 different states, tribes, or kingdoms. During the imperial era, hostile hordes of Turks, Mongols, and Manchus overran and at times ruled the Chinese interior.[16] Even when its inner heartland remained intact, China's periphery constantly dealt with pressure from bordering tribes and rival kingdoms. During the late 1800s and early 1900s, a new wave of intruders arrived when Europeans, Americans, and Japanese partitioned large areas of China. Because of these violations of both sovereignty and territorial integrity, strategic concerns again became a function of protecting the periphery. In the words of Swaine and Tellis—

> The historical record suggests that the Chinese state has frequently employed force against foreign powers but generally followed a pragmatic and limited approach to the use of force. Specifically, it has employed force against foreigners primarily to influence, control, or pacify its strategic periphery and generally has done so when it possessed relative superiority over its potential adversaries on the periphery.…However, an inability to establish a material position of superiority over the periphery through military force—or strong levels of domestic opposition to the use of such force—often led to the adoption by the state of noncoercive methods, usually involving appeasement and passive defenses, which frequently provided long periods of security from attack.[17]

In other words, China's strategic culture, and thus China's disinclination to use military force, has always been closely associated with its ability or inability to protect its territorial integrity.

It should come as no surprise then that after World War II, with its devastating effect on the region, a



newly resurgent China unified under communism quickly launched military campaigns against Tibet, India, Vietnam, Mongolia, Russia, and UN forces in Korea to regain and solidify its historical borders. Now, as it seeks to resolve residual territorial disputes in the 21st century, China will more likely emphasize soft-power diplomacy, especially while its military continues on a path to modernization. However, if challenges to its territorial integrity or political sovereignty again arise, China's emphasis on cooperative diplomacy will surely change. The Taiwan dilemma illustrates just such a risk, one that is all the more dangerous given the potential involvement of other great powers.

During the Cold War, both mainland China and Taiwan claimed all of China. Both sides conceded that Taiwan was part of China, although they differed on which government, the People's Republic of China (PRC) in Beijing or the Republic of China in Taipei, was the official government of all of China. As time went on, it became increasingly clear that Taiwan would never be able to effectively reclaim the mainland, a development that quieted PRC concerns. However, Beijing's concerns about the island are causing Taiwan's sense of political and social identity to change. Since the end of the Cold War, as Taiwan has become a more democratic society, its people have begun to adopt a nationalistic identity that is increasingly distinct from that of the mainland. Such trends increase the possibility that Taiwan might drop its claim to China proper and replace it with a claim of independence, an outcome completely unacceptable to the mainland. Depending on how this issue develops, Beijing's attitude toward employing military force could certainly change.

Military modernization. China's third strategic goal is to develop a professional military that has the capability to defend against external attack and conduct operations abroad, especially along its historically disputed periphery. China's military, the People's Liberation Army (PLA), is the largest military force in the world. It is comprised of four services: ground forces (PLA); naval forces (PLAN), which include the marines and naval aviation; air forces (PLAAF), which include airborne forces; and strategic missile forces (Second Artillery), which include nuclear weapons. The active force totals approximately 2.3 million personnel, while another 1 million serve in the paramilitary People's Armed Police and reserves, and an additional 10 million are enrolled in the organized militia.[18] All of this sounds formidable on paper, but the PLA is still far from being a professional force able to conduct military operations in a deployed environment, especially when compared to Japanese and Western forces.

This fact became painfully obvious to China when it observed U.S. military operations after the Cold War. In particular, the performance of U.S.-led coalition forces in the 1991 Gulf War profoundly affected the PLA's leaders. While they had accepted the fact that the PLA was still not a modern force, they were not prepared for just how wide the technological gap between their forces and those of the United States had become.[19] The U.S. ability to project a massive force over long distances, to incorporate high technology in adverse terrain, and most important, to perform deep surgical strikes supported by aerial and space reconnaissance, alarmed the PLA.

If the Gulf War provided a formidable display of U.S. military capabilities, at least two other events signaled an increased willingness by the

China's military… is the largest military force in the world.

United States to use these capabilities for a wide array of interests: the U.S. response to the 1996 PLA missile-firing over the Taiwan Strait, and the 1998 U.S.-led NATO aerial bombing of Serbia during the Kosovo war. Chinese perceptions of U.S. belligerence have been aggravated by the U.S.-led war against terrorism and U.S. military operations in Afghanistan and Iraq. Furthermore, early operations in Afghanistan that highlighted the U.S. ability to leverage devastating strategic and operational power with minimal ground presence gave the Chinese pause. America's ongoing military transformation, which promises an even greater ability to leverage technological advantages, can only heighten Chinese worries.

The large gap between Chinese and U.S. military capability is discussed in the *2005 Report to Congress on Chinese Military Power* by the U.S. Department of Defense. The report assesses as limited China's ability to project military power beyond its immediate periphery.[20] The huge difference in defense expenditures between the two countries underscores this point. In 2004, the United States spent $466 billion on its military while China spent approximately $65 billion.[21] U.S. and Chinese GDPs are $12 trillion and $9 trillion respectively, so the expenditures represent 3.8 percent of GDP for the United States and .72 percent of GDP for China.[22]

Consequently, rather than competing directly with the United States, the PLA is focusing on preparing to fight and win short-duration, high-intensity conflicts along the nation's periphery in defense of its territorial integrity. More specifically, it is focusing on preventing Taiwanese independence or, at the very least, compelling Taiwan to negotiate a settlement on Beijing's terms. Secondary objectives include preventing intervention by third parties such as the United States or Japan.

…the PLA is focusing on preparing to fight and win short-duration, high-intensity conflicts along the nation's periphery in defense of its territorial integrity.

At the same time, China continues to modernize its military while also working assiduously to narrow the capability gap using asymmetric means. In January 2007, it conducted an apparently successful anti-satellite missile test during which it destroyed an aging satellite.[23] China is also working to counter U.S. technological superiority by improving its air force, navy, and missile force, including its nuclear arsenal. It is also developing GPS-guided land-attack cruise missiles.[24]

Greater geopolitical influence. China's fourth strategic goal is to attain greater geopolitical influence. While its military modernizes, China is focusing on multinational diplomacy and economic power to increase its regional and international influence. Much like the previous goals, the desire for greater power has roots in the country's historical experience. At the height of China's imperial history, other states in its strategic environment viewed China as the regional hegemon, and China's foreign policy reflected the view. These other states maintained their political autonomy as long as they acknowledged Chinese superiority by paying economic tribute to China.

This tributary system dominated Chinese foreign policy during the Ming and Qing dynasties. It had three main principles: "First, China considered itself the 'central heart' (*zhongxin* in Mandarin) of the region, with the tributary system assuring its overall security environment. Second, China needed a stable external environment immediately surrounding the Middle Kingdom to maintain its own internal stability and prosperity. Third, the Chinese emperor, at the 'heart,' would in principle give more favors to tributary states or kingdoms than receive from them; for his 'generosity,' the emperor [would] get their respect and goodwill."[25] This protocol reflected China's philosophical sense of a linked world order, and it demanded structured reciprocity.

In return, the other states in the region had to pay economic and political tribute in a very systematic fashion through envoys to China. Based on a country's place in the regional order, it had to send its envoy at regular intervals: once a year for Korea; once every two years for the Ryuku Kingdom (the present-day Okinawan islands); once in three years for Annam (Northern Vietnam); once in four for Siam (Thailand); and once in five for Sulu (in the Southern Philippines).[26]

Refusing to pay tribute would risk political and economic sanctions or even military reprisal. The tributary system represented what the Chinese saw as a virtuous order for their region, so they resisted interfering in the internal affairs of the tributary states so long as the states continued to recognize China's (cosmologically ordained) hegemony in the regional order. The Chinese deemed this sort of regional system beneficial for peaceful coexistence:

> Within the cosmology of interstate relations, China stood at the top of the pecking order, providing an intellectual and bureaucratic model of proper governance for Chinese and non-Chinese alike. Other states or kingdoms beyond the realm of imperial China were normally expected to acknowledge, and thereby validate, the superior position of the emperor in this Sino-centric world order. Deference to the authority of the Chinese ruler thus not only affirmed, conceptually, the proper ethical relations among states but also, in the Chinese view, ensured peace and tranquility in the Chinese world order by removing any ideological challenges to the superior position of the Chinese states.[27]

The Chinese based this idea of a Sino-centric world order on Confucian cosmological and philosophical ideas, namely that virtuous rule is both cosmologically important and the foundation of political legitimacy.

Confucius emphasized the ancient tradition that the ruler's cultivation of virtue and good governance was, in all possible ways, the basis for state security and prosperity. "External security," he said, "rests on internal rectification, on the ruler's employing capable officials, on reducing the economic burdens on his subjects, and on creating conditions such that people will be content with their place in the socio-economic-political order."[28] At the international level, "rectification" implies that if a regional hegemon provides an example of virtuous leadership, then the other states in the region will acknowledge the legitimacy of its leadership.

As stated earlier, Confucian philosophy also suggests that if a leader rules without virtue, his subjects may seek to supplant him, and any effort—including military operations—waged to overthrow the bad ruler becomes a just act in the same way that it is a just act for the oppressed to fight against their oppressor. The Chinese see the universe as a network of relations in which even minor ethical infractions have lasting ripples affecting the totality of existence. That cosmological sense of rectitude has played itself out in Chinese political history repeatedly. In fusing daily life with cosmological order, the Chinese have intrinsically linked internal stability with external stability. In Chinese eyes, being Confucian certified their hegemony ethically, logically, and metaphysically.

China is using its Confucian sense of rectitude to criticize the current international order, dominated by the United States. To support its argument, China claims that U.S. policies, which incidentally cannot be Confucian, are a significant cause of instability throughout the world. Thus, China is promoting a "New Security Concept" as an alternative world order. This concept maintains the same core principles of the "Five Principles of Peaceful Coexistence" that served as the mantra for much of Chinese foreign policy from the 1950s to now: "mutual respect for territorial integrity and sovereignty, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence."[29]

In addition to promoting these principles, the New Security Concept critiques the existing U.S.-dominated world order by arguing that "security in the post-Cold War era should be considered comprehensive, not just military; the views of all countries, regardless of size, should carry equal weight; and non-traditional security issues should rival traditional issues in importance . . ."[30] To operationalize this concept, China, for the time being at least, is stressing the need for cooperative security through "negotiation, cooperation, economic interaction, and promoting trust, rather than by confronting potential adversaries."[31] These methods reflect the comprehensive orthodox Confucianism that informs their strategic culture.

Underscoring China's claim has been a flurry of diplomatic activity started after the Cold War,

China claims that U.S. policies… are a significant cause of instability throughout the world.

accelerated in the mid 1990s, and continuing today in all areas of the world. In 1996, China started the Shanghai Five with Russia, Kazakhstan, Kirghizia, and Tajikistan. With the addition of Uzbekistan, this organization later grew into the Shanghai Cooperation Organization. In 1997-1998, China was an active participant in the Korean Peninsula Four-Party Talks (China, North Korea, South Korea, and the United States), and in that same year, the Asian financial crisis served as a catalyst for even more Chinese multinational diplomacy. China's diplomatic efforts in East Asia since then have reflected a preference for diplomacy over military force, a restraint consistent with its strategic culture, utterly contingent and pragmatic.

Strategy in Practice: China and the EAC

As mentioned in the introduction, China has come to view multinational organizations as enablers for achieving its strategic goals. Thus it helped form ASEAN +3 and is now pursuing efforts to develop the regional East Asia Community (EAC). China's actions vis a vis the proposed EAC give us a good idea of how it is using multinational organizations to turn grand strategy into successful practice.

The financial crisis that led to the creation of ASEAN +3 triggered a fundamental change in the way Asian countries and China viewed each other. The crisis started in 1997 in Thailand, where massive currency devaluation caused further currency devaluations and financial meltdowns throughout the Western Pacific and sent second- and third-order economic effects rippling around the world. Just a few months after the crisis began, currency depreciations averaged 50 percent against the U.S. dollar.[32] By June 1998, South Korea and the most affected Asian states had lost $50 billion a year in income and over $500 billion in market capitalization. Total unemployment reached 20 million people in Indonesia alone, which contributed to rioting and the subsequent fall of the Suharto regime.[33] Needless to say, other Asian states also found themselves facing potential political upheaval.

During this critical time, China emerged as a seemingly benign stabilizing force in the region by resisting pressures to devalue its own currency and by providing financial capital to stricken neighbors. Stimulated by Chinese benevolence and support, as well as the need to prevent future crises, many of the region's countries formed ASEAN +3, which soon became a forum for discussing political and security issues too.

This eventuality was all the more unusual when one considers China's history of troubled relations with the region. During the 1960s and 70s, China supported Maoist insurgencies in Southeast Asia and had a number of ongoing territorial disputes in the South China Sea with East Asian countries.[34] China and Vietnam fought two naval battles between 1974 and 1988 that led to the Chinese occupation of the Paracel Islands and reefs near the Spratly Islands.[35] China has continued looking into options for exploring parts of the Spratly Islands controlled by other ASEAN members. In 1995, the PLA occupied the Mischief Reef, claimed by the Philippines, and in 1997 made incursions into the Scarborough Reef.[36] In March 1995, Malaysian naval vessels fired on a Chinese fishing boat in waters claimed by Kuala Lumpur, and similar skirmishes have continued between the Philippine Navy and Chinese fishing boats.[37] Thus, Chinese soft power during the financial crisis—refusing to devalue its own currency, providing capital to stricken nations—undid years of enmity created by aggressive actions.

China has seized the opportunity to gain influence with ASEAN members. In 2002, it signed the Declaration on the Conduct of Parties in the South China Sea.[38] This called on its signatories to "undertake to resolve their territorial and jurisdictional disputes by peaceful means" without "resorting to the threat or use of force."[39] Clearly, the new strategy emphasizing cooperation and eschewing force had taken effect. Further, at the 2004 ASEAN summit, Chinese Premier Wen Jiabao expressed support for two proposals, one for the development of a China-ASEAN Free Trade Area, and the other for the establishment of an EAC to discuss political and security issues. (Indonesian Prime Minister Abdullah Badawi initially proposed this idea in 1991 when he raised the idea of an East Asian Economic Caucus.)[40]

The EAC concept took another step forward with the first East Asia Summit (EAS), held in mid-December 2005. Along with India, Japan, South Korea, Australia, New Zealand, and the 10 ASEAN nations, China participated in the EAS.[41] While tensions between China and Japan marred the one-day

meeting, proponents of the summit viewed it as the first step toward eventual establishment of an Asian economic and political regime similar to the European Union or NATO.[42] In January 2006, the EAS held a second meeting, during which members reached a civil-nuclear cooperation deal to lower the region's dependence on fossil fuels, evidence that future summits will address issues that span the different but interrelated dimensions of economy, energy, and security.

Speculation that these summits could catalyze the development of an EAC continues. In the words of Prime Minister Mammohan Singh of India, "The main objective of the EAS should be to set in motion a process which would ultimately lead to the creation of [an] East Asian community for an arc of prosperity."[43] If the EAC should become a reality, and it looks like it will, China will have gained another conduit it can use to influence its Asian neighbors. At the second EAS, Wen Jiabao submitted three proposals with import for the future EAC: "East Asia cooperation should enhance common development and prosperity of the region. The cooperation should lead to harmony among all countries in the region. Diversified development of social systems and cultures should be protected."[44]

[China is] currently the second largest energy consumer in the world after the United States

By charming its neighbors with such soft language, the Chinese hope to change the status quo in favor of a broader multilateral framework in which China would play a leading, hegemonic role. In addition to increased political heft, China would also reap enhanced economic clout. Combined, the two would result in greater regional cooperation with increased trade and access to energy. China's benefits would be added internal stability, greater economic prosperity, and enhanced strategic security. We might also consider that Wen's use of such words as "harmony" suggests that he meant to do more than charm his neighbors. Harmony being a key Confucian concept, Wen perhaps envisions an EAC that will embody China's traditional philosophical comprehensiveness.

Other developments testify to the increasing momentum of economic and political cooperation between China and ASEAN. In 2004, China agreed to establish a Free Trade Agreement with ASEAN by 2010. The agreement would set up the world's largest free-trade area, with a population of almost 2 billion people and a total gross domestic product of over $6 trillion. Bilateral trade between China and ASEAN countries reached $105.9 billion the same year, and in 2005 it increased by 23 percent, to $130 billion. ASEAN has become the fifth largest export market for China and the fourth largest source of its imports. President Hu Jintao predicts that trade volume with ASEAN will grow to $200 billion by 2010.[45]

China's need for energy to fuel its growth is becoming a paramount issue. Currently the second largest energy consumer in the world after the United States, it has maintained an amazing economic growth rate since reforming the economy in the early 1980s.[46] For example, China's GDP growth rate jumped from an already robust 8 percent in 2002 to 9.1 percent in 2003.[47] By 2006, growth had reached 10.7 percent, putting China on track to become the third largest economy by the end of 2008. According to one noted scholar on Chinese energy issues, "China could be the largest economy in the world by 2050, in terms of purchasing power parity."[48] The nation's accelerating economy drove oil demand to over 5.5 million barrels per day (bpd) in 2003, with projections suggesting requirements for over 14 million bpd by 2025.[49] Domestic oil production, however, has increased at a much slower rate, reflecting China's growing reliance on imported oil to finance its economic growth.[50] In 2004, Beijing spent an extra $7 billion of its foreign trade surplus on oil, with payments totaling over $43 billion, making it the country's largest import item.[51]

These figures illustrate China's growing reliance on imported oil and suggest only the tip of an iceberg, because China is still a developing country. For example, right now there are just 10 motor vehicles per 1,000 Chinese citizens, while there are over 700 per 1,000 U.S. citizens. The difference implies that China's potential energy demand for cars alone could expand by 7,000 percent as it modernizes. One expert predicted that China might have 250 million cars by 2050, an extraordinary

figure in light of the fact that there were only 700 million cars worldwide in 1999.[52]

Because of its potentially huge appetite for oil, China is looking to maintain good relations with strategic regions along oil trade routes to ensure access and safe transit. When one considers that the Malacca Strait in Southeast Asia connects the Indian Ocean to the South China Sea and is the main transit route for 65 percent of China's oil imports, one understands why China wants to maintain stable relations with ASEAN.[53]

For all of these reasons, China is not only supporting the development of an EAC and other regional organizations, but also taking a leading role in them to position itself to reap economic and political benefits. What does this mean for the United States, and how should it respond?

Becoming the "Hegemon of Choice"

After World War II, the United States relied on a system of bilateral alliances known as the "San Francisco System" (so named because many of these alliances were created during the Japan peace conference convened in San Francisco in September 1951).[54] At that conference, the United States signed separate defense accords with Australia, Japan, and the Philippines. These were supplemented over the next few years by additional treaties with South Korea, Taiwan, and Thailand.

This system should continue to serve U.S. interests well into the future, but some maintenance is necessary. The best strategy for the United States is to improve bilateral relationships in the Western Pacific while aiming to deter conflict and prevent a strategic arms race in the region. It could start with South Korea. U.S.-South Korean relations have suffered in recent years, and the U.S. is downsizing its forces on the peninsula to better support operations in Iraq and Afghanistan. The 2004 U.S. *Global Defense Posture Review* resulted in decisions to withdraw over 12,500 troops from South Korea by 2008.[55] To demonstrate commitment to stability in the region, the United States should make any further withdrawals contingent on the peaceful reunification of the two Koreas—although this is a highly unlikely event given the array of burdens it would thrust upon the South.

In addition to such "alliance maintenance," the United States should also cultivate stronger ties with India and Indonesia. India is the world's most populous democracy, has a strong military, and shares a border with China, while Indonesia is the world's most populous Muslim country, and its territorial waters encompass the Malacca Strait. The recent nuclear deal between the United States and India is a step forward. U.S. relief efforts after the devastating tsunami that destroyed Indonesia's Banda Aceh province have opened doors for further cooperation there.

The United States should also diplomatically engage parties to the numerous territorial disputes that threaten stability in the region. Among them, Taiwan's security dilemma presents the most significant challenge. Until now, the U.S. policy of "strategic ambiguity" worked well by providing simultaneous assurances to both China and Taiwan. In the words of one prominent Chinese scholar, the policy has two primary elements: "(1) clear, credible commitments to transfer defensive capabilities to Taiwan and, if necessary, to intervene on Taiwan's behalf; and (2) political reassurances that the United States does not plan to use its superiority now or in the future to harm Beijing's core security interests by promoting the independence of Taiwan."[56] The first element works to keep China from attacking Taiwan, and the second element works to keep Taiwan from unilaterally changing the status quo.

However, two major developments are challenging the effectiveness of this policy. First, with Taiwan evolving politically, it has become increasingly difficult to imagine any reconciliation with the mainland that would be acceptable to both sides. As current and future Taiwanese governments become more accountable to the people's will, their inclination to promote independence will most likely increase. On the other hand, the Taiwanese people have demonstrated that they are pragmatic enough not to support rash moves toward independence that would invite war. They effectively reined in President Chen Shui-Bian's drive toward autonomy by voting for the opposition Kuomintang of China Party, allowing it to take back control of the legislature in the midst of Chen's presidency. The declining popularity of the president and his Democratic Progressive Party has ameliorated at least some of the concerns about provoking the mainland Chinese, but the Taiwanese inclination toward independence still makes the U.S. balancing act a precarious one.

The second catalyst of change is that the military balance between China and Taiwan is tipping in the mainland's favor. In 2004, China held two large-scale amphibious exercises (division to group-army level in size), one of which explicitly dealt with a Taiwan scenario. It has deployed over 700 short-range ballistic missiles immediately opposite Taiwan, and it is increasing the number every year. China is also acquiring and developing precision munitions, including land-based cruise missiles. Significantly, it has over 700 aircraft within operational range of Taiwan, and it is purchasing modern Sukoi Su-27 and Su-30 fighter/bomber aircraft, Ilyushin Il-76 transport planes, and Il-78/Midas air refueling aircraft from Russia.[57]

In the maritime domain, China's navy is expanding by focusing on submarines and missile launch platforms. It has acquired eight more diesel kilo-class subs from Russia to go with the four it has already. It is also actively developing its own Song-class and Yuan-class diesel subs. It has deployed two Russian Sovremennyy-class guided-missile destroyers and has contracted for two more from Russia.

On the political front, China's National People's Congress passed an anti-secession law in March 2005 to pressure Taiwanese leaders and to build a legal foundation for the use of military force against Taiwan at some point in the future. Meanwhile, Taiwanese defense spending has steadily declined in real terms over the past decade, even as Chinese air, naval, and missile force modernization has increased the need for countermeasures that would keep the island from being quickly overwhelmed.

For all these reasons, "strategic ambiguity" over Taiwan will become a harder policy for the United States to manage. The United States should set the conditions to ensure that this policy stance can survive long enough for an eventual peaceful political solution to the security dilemma. The policy might require some proactive "clarification" during which the U.S. increases security cooperation with Taiwan until a political solution can be reached. Given the strain that such actions would likely have on U.S.-China relations, the United States should encourage China and Taiwan to reach a political solution as soon as practical.

In addition to deterring conflict, the United States should also lead a multinational effort to institute regional arms control. Regional distrust has



AFP, Sam Yeh

Taiwan President Chen Shui-bian inspects homemade Sky Sword missiles during the National Day ceremony in Taipei, 10 October 2007. Taiwan flexed its military muscles, showing off two home-developed missiles to remind China that it has the weaponry to defend itself.

accelerated a drive in Japan to revise article nine of the country's constitution, which would lead to "normalization" of the Japanese military and make participation in defense treaties legal.[58] In January 2007, the Government of Japan (GOJ) elevated its Japan Defense Agency to a separate Ministry of Defense, a likely step towards "normalization" and evidence of a new attitude among the Japanese.

Meanwhile, the GOJ has still not convinced other East Asian countries of its sincerity in apologizing for past aggression, and official visits to the Yasukuni Jinja, where 12 convicted "Class A" war criminals are enshrined, do little to help the impression. That and GOJ reaction to North Korea's constant antagonism often elevate tensions with China. In the mix, North Korea's nuclear ambitions present a major complication for harmonious Chinese relations with Japan.

On 9 October 2006, in defiance of the international community and the countries involved in the Six-Party Talks, North Korea conducted its first nuclear test. This event culminated a three-decade-long effort by North Korea to develop nuclear weapons. The United States confirmed the test on 16 October 2006 based on atmospheric and seismological data, and estimated that the yield was less than one kiloton (kt).[59] While this yield is much smaller than the primitive 21-kt *Fat Boy* atomic bomb that the United States detonated over Nagasaki, its political impact is nonetheless significant: North Korea has attained the ability to develop fissile material and the basics of weaponization.[60] Furthermore, by mid-2008 North Korea is projected to have as much as 40 to 68 kilograms of fissile material, enough for 8 to 17 nuclear weapons.[61]

Just as alarming for Japan, North Korea is diligently improving its missile program. Its 1998 Taep'o-Dong 1 test flight over northern Japan into the Pacific Ocean was a spectacular act of provocation. In its more recent missile test, on 4 July 2006, it fired six more ballistic missiles into the Sea of Japan, again angering the Japanese public and increasing support for a "normal" Japanese military no longer constrained by constitutional prohibitions.[62]

In an amazing development, North Korea's actions have even caused debate over whether or not Japan should develop its own nuclear weapons. The debate represents a watershed in modern Japanese history. Once unthinkable, its existence has been made possible by new public awareness of vulnerabilities to state terrorism, namely from North Korea.

Affecting Japanese perceptions and sentiment most profoundly has been the revelation in recent years of North Korean commandos abducting young Japanese from northern beaches. A population once adamantly against constitutional revision has had a collective change of heart since facts about the abductions emerged in 2002. Popular speculation persists about the scope of North Korean intrusions, and a Japanese populace that not so long ago embraced a pacifist outlook has grown more pugnacious.

Should Japan continue to develop its already formidable military, and even more controversially, should it develop strategic weaponry, its actions will certainly instigate a strategic arms race with China.

The United States should respond by tackling the North Korean nuclear issue directly using both bilateral and multilateral diplomacy. It should continue to support the ongoing Six Party Talks, and even seek to broaden its agenda to encompass other security issues which affect the region. Such issues would include arms control, confidence-building measures, nuclear proliferation, terrorism, and energy security, in addition to North Korean disarmament. That kind of venue would provide a more defined regional framework through which the U.S and regional powers could tackle security issues. It would also allow the United States to remain involved in the development of an East Asian security community.

Conclusion

China is pragmatically employing its soft power to pursue greater influence in support of its grand strategy. This tactic is in line with its strategic culture, and as such, does not represent a fundamental belief in the virtues of cooperative diplomacy. Rather, given the window of opportunity presented by the dynamics of the post-Cold War period, and the large gap in military capabilities between the United States and China, soft power simply works better.

In the future, two extreme outcomes are possible as China pursues its grand strategy. The PRC can succeed in developing regional security organizations in which it plays a hegemonic role. Such an outcome could seriously dilute U.S. regional influence, especially if the U.S. does not pay enough attention to East Asia. On the other hand, China may encounter serious domestic and external challenges that jeopardize its strategic goals and cause it to revert to more forceful, bilateral forms of diplomacy, including military coercion.

Fortunately, one U.S. strategy can prevent both outcomes. The U.S. should improve upon its existing San Francisco system of bilateral alliances, maintain its forward military presence in the region, and develop a regional security mechanism—perhaps a formalized Six Party Talks framework—to tackle major security issues such as arms control. Efforts in this vein will enable the United States to maintain its strategic relevance in the region and cultivate a positive image as the "hegemon of choice" for East Asian states. ***MR***

NOTES

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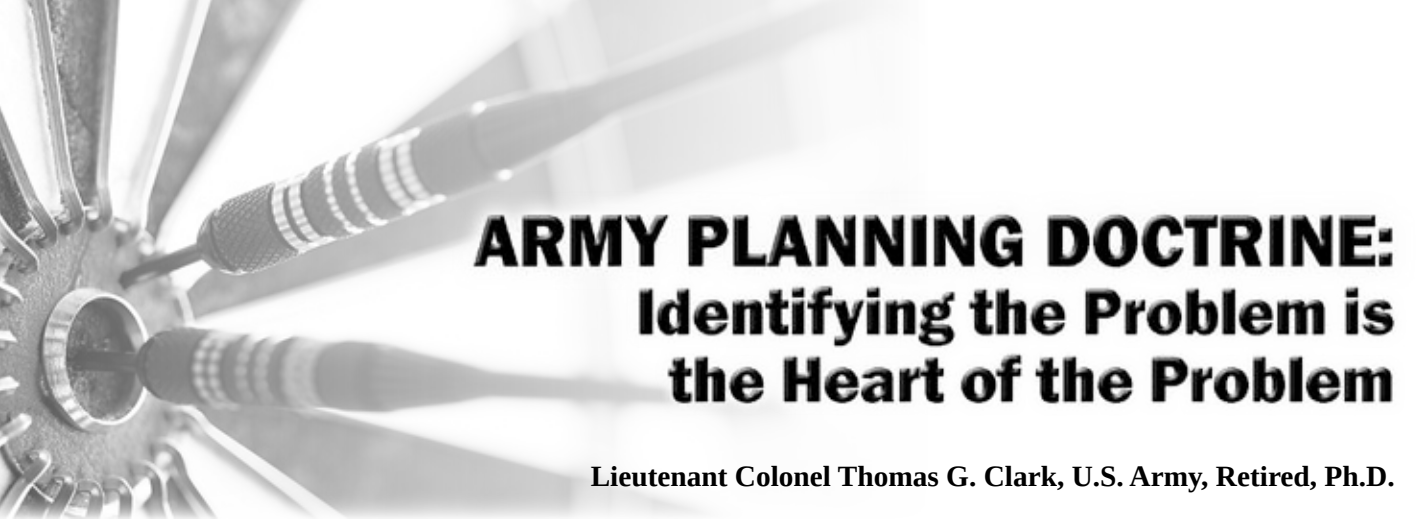
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ARMY PLANNING DOCTRINE: Identifying the Problem is the Heart of the Problem

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IN 1968, U.S. Army Field Manual (FM) 101-5, *Staff Officers' Field Manual: Staff Organization and Procedure*, established problem solving as the bedrock of Army doctrine.[1] In all subsequent versions of FM 101-5, its successor FM 5-0, *Army Planning and Orders Production,* and a wide range of other doctrine manuals, writers consistently framed professional competence in terms of solving problems. Military as well as civilian problem-solving models share one core concept—the first step is to identify the problem.[2] Yet, neither Army doctrine nor professional military education curricula offer a problem-structuring methodology. Thus, for over three decades we have based our military doctrine on the indispensable capacity to solve problems, but without a clear method to satisfy the first requirement: how to synthesize critical facts and relationships into a problem statement that can guide planning and decision-making. To fill the gap in Army doctrine, this article offers a teachable problem-identification method.

A Few Basics

In any discussion of problem identification, a definition or common reference point is helpful for two key terms: *problem* and *factor*. According to doctrine, a problem is well structured when all necessary information is available and a verifiable answer can be determined. A problem is medium-structured when some information is available and routine solutions are insufficient. Ill-structured problems require information that is missing and have no verifiable solution.[3]

Donald Schön also stratifies problems, but into two types: messy and hard.[4] Like doctrine's ill-structured problem, messy problems defy direct solutions; they require continuing interplay between problem solvers in "processes that are ever changing in form" while "decisions made at any stage will tend to alter the configuration of future choices to be addressed."[5] Establishing democratic government structures in a failed state is one example of a messy or ill-structured problem. Hard problems, on the other hand, can be solved through persistent and dedicated efforts, such as by preparing a joint task force movement order. The premise in this article is that capabilities to deal with messy or ill-structured problems subsume abilities to solve less difficult problems.

There is no definition in problem-solving doctrine for the term "factor." However, discussion points to "a component of the environment that can be observed, measured, and applied to achieve (or prevent) an effect."[6] This definition is

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consistent with nonmilitary definitions of "factor" as "a variable that can assume a wide range of values."[7] Time-distance, terrain, weather, civil considerations, and forces available are among the factors commonly used in identifying military problems.

Overview of Problem Solving and Army Doctrine

This section traces Army doctrine for planning and decision making. The sources describe an ongoing commitment to a deductive approach for analytical problem solving to identify solutions to difficult problems. Across a period of 38 years, there were 3 perceptible shifts:

- Adoption of problem solving as the preferred approach to planning.
- A change in focus from the commander's estimate to staff estimates as the centerpiece of planning activity.
- A return to the commander as the focal point in problem-based planning.

Benchmark 1. The year 1968 serves as a benchmark for the union of planning and problem solving. Doctrine writers discussed decision-making as a nine-step process designed to move from receipt of a new mission through the preparation, approval, and supervision of plans and orders. All nine steps focused on the five-paragraph commander's estimate of the situation, the primary mechanism for mission analysis and course of action development. "Military problem solving techniques" defined the commander's estimate as "a problem solving process to find the best way to accomplish a given mission."[8] Writers stipulated that the first step in decision-making was to recognize the problem.[9] In regard to identifying the problem, paragraph 2 of the commander's estimate (the situation and courses of action) offered guidelines for two actions. The first action focused on identifying facts and assumptions related to the situation. The second focused on listing "significant difficulties or difficulty patterns" that could work against accomplishing the mission.[10]

Over three decades, writers worked on the margins, leaving problem solving and the commander's estimate at the core of planning doctrine. In a 1972 revision of FM 101-5, writers expanded the first step in problem solving from "recognizing the problem" to "recognizing and defining the problem."[11] A 1984 update framed military decisions around problem solving. In tactical decisions, writers modeled the Military Decision-Making Process (MDMP) as an ongoing set of steps to orchestrate commander and staff activities. The MDMP mirrored the nine-step problem-solving approach of 1968, but added a tenth step: "mission accomplished."[12] In the portion of the commander's estimate dealing with the situation and courses of action, guidelines pointed commanders to consider "facts of the situation that will influence friendly and enemy actions and, therefore, may influence the choice of action."[13] Examples included unit compositions, significant activities, weather, terrain, political, and economic factors.[14] Through the 1984 version of FM 101-5, the commander's estimate was the primary mechanism to identify and solve problems. Staff estimates were important, but occupied a clearly defined supporting role.

Benchmark 2. In a 1997 revision, doctrine writers established a second benchmark in the union of planning and problem solving. In describing the MDMP as an adaptation of analytical problem solving, writers defined the tactical problem as a "result of mission analysis."[15] Rather than highlighting the commander's estimate, the MDMP was more a checklist of "inputs and outputs" assigned to each of the seven MDMP steps. Interestingly, the tactical problem was a result—but not an output—of mission analysis. Instead of describing the five-paragraph commander's estimate with a discussion of problem identification considerations, writers reduced the commander's estimate to a focus on "assessing the intangibles of training, leadership and morale, and results in a decision."[16] Writers admonished staff officers, rather than commanders, to determine "exactly what the problem is and precisely and clearly define the problem's scope and limitations."[17]

In 2005, FM 5-0, *Army Planning and Orders Production*, replaced FM 101-5 as the primary planning and problem-solving reference. It discussed problem solving as a systemic activity applicable to "all Army activities, not just operations."[18] The problem-solving model consisted of seven steps with problem identification at the top of the list. In connecting problem solving to planning, writers described the seven-step MDMP as an analytical planning process and "an adaptation of Army problem solving."[19] A capacity to solve tactical problems constituted the "foundation of effective planning."[20]

FM 5-0 first described the problem solver in terms of his (or her) ability to reason critically, state a problem clearly, work in an orderly manner, seek information diligently, identify and apply criteria reasonably, focus on the problem at hand, and be precise.[21] The manual highlighted important factors for tactical problems in terms of mission, enemy, terrain and weather, troops and support, time-distance, and civil considerations (METT-TC).[22] In step-by-step directions, writers outlined six primary tasks that set the conditions for the planner-problem solver to develop a plan to solve the problem:[23]

1. Compare the current situation to the desired end state.
2. Define the problem's scope or boundaries.
3. Answer the following questions—
   a. Whom does the problem affect?
   b. What is affected?
   c. When did the problem occur?
   d. Where is the problem?
   e. Why did the problem occur?
4. Determine the cause of obstacles between here and the solution.
5. Write a draft problem statement.
6. Redefine the problem as new information is acquired and assessed.

Benchmark 3. The third benchmark in the union of planning and problem solving occurred in March 2006. Previously, doctrine writers tended to compartmentalize large parts of discussions concerning a) analytical problem solving and b) analytical planning. Now, they linked the two, and in the process highlighted the importance of identifying problems in relation to developing and selecting a course of action. In Field Manual (Interim) 5-0.1, *The Operations Process* (2006), writers addressed problem statements in terms of a) a commander's visualization and b) a source for criteria to evaluate success in achieving the commander's intent.[24] According to FMI 5-0.1, the visualization process begins with situational awareness when the planner (the problem solver) frames the important factors in order to set parameters for in-depth analysis. Upon achieving situational understanding, the planner frames a description of the relationships between and among the important factors in order to "determine the implications of what is happening and [to] forecast what may happen."[25] This two-frame process is consistent with the analytical problem-solving goal to "ensure that all key factors relevant to the problem are considered and that all relationships between variables are anticipated and accounted for in the solution."[26]

This is where Army problem-solving doctrine stands today. Once again it embraces the commander's role as planner-problem solver. At no point in doctrine do we find even a hint that problem solving is anything short of a baseline professional competency for Army officers. While the journey from 1968 to now has shown much progress, doctrine still does not provide a method to identify tactical problems.

Discussions in pre-1997 versions of FM 101-5 hinted at important considerations such as "significant difficulties or difficulty patterns" that could work against mission accomplishment.[27] Revisions in 1997 and 2005 provided instructions to identify a problem, but in a bit of circular reasoning these instructions used the problem as the means to identify a problem.[28] In the final analysis, the problem remains: How do we identify a tactical problem?

A Teachable Method to Identify Problems

Army doctrine can serve as a foundation for a three-step procedure to identify tactical problems and produce a problem statement. I define a *problem statement* as "an approximately 130-word synthesis of critical facts and relationships and the important factors or variables that shape an operational environment in such a way that cause-and-effect relationships point to leverage points that bring competitive advantage to friendly forces." A problem statement is a guide to planning and decision making.

Step 1. The first step in identifying a tactical problem is to analyze the operational environment in order to reach conclusions from facts related to the following variables:

- Context.
- Capabilities.
- Structure.
- Time.

The analysis should follow a systematic framework such as METT-TC or other analytic lens.

Context. By definition, context establishes the foundation for rational decision-making and purposeful activity. Context deals with concrete

factors like topography and geography as well as political, economic, social, and cultural variables and values-based beliefs. In problem solving, each factor and variable has its value as well as a more complex value under analysis in an interdependent, competitive situation.[29] We can frame a mission-analysis question to deal with context: "What conditions must friendly and enemy forces establish and prevent?"

Capabilities. Capabilities constitute a capacity to influence or achieve specified conditions. Capabilities are the basis of planning that links ways and means to ends. We can also frame a mission-analysis question to deal with capabilities: "What are the friendly and enemy forces available to cause an outcome?"

Structure. Structure refers to the arrangement of friendly and enemy forces as well as other government and non-government actors within a given context. Structure is physical reality and a driver for a commander's visualization, which is the means to assess an operation from inception through end-state. A mission-analysis question related to friendly and enemy structure might be: "How do units fit or relate to each other from the perspectives of command, control, and objectives?"

These context, capability, and structure questions are exemplary. Commanders and staffs may develop complementary questions to generate information for a specific situation.

Step 2. The second step in identifying a tactical problem is to describe the operational environment in terms of—

- Height.
- Width.
- Depth.
- Time.

This description helps us to understand the maneuver relationships that friendly and enemy forces must establish and prevent.

Height, width, and depth factors are spatial variables. *Height* describes a vertical or perpendicular extension of the operational environment. Height areas of interest include communications, visibility, and air space. *Width* is a lateral or breadth consideration. Width areas of interest include maneuver corridors, roads, and bodies of water. *Depth* is a horizontal dimension that is at right angles to width and height. Depth areas of interest include movement formations, fire control, and an area of operations. Height, width, and depth constitute three physical coordinates of a particular activity or event.

In a tactical problem, *time* is the fourth coordinate. It is a variable with three potential values.[30] First, time has a component of discrete values such as seconds, minutes, or hours to account for events that must occur within a precise period as well as events that must occur sooner or later than a given moment. The discrete component functions around specific "counts." Second, time has a component of periods, seasons, or cycles to account for clumps of similar activities or characteristics. The clumps component functions around themes and continuity. Finally, time has a spatial component, such as "before" and "after," to account for relationships between objects or entities. The spatial component functions around velocity, the rate of movement of the organization as a whole toward an objective or end state. A problem statement may incorporate all time components, but must incorporate a minimum of one time factor.

Step 3. The third step in identifying a tactical problem is to calculate the time-distance factors of combatants as well as interagency actors, neutrals, and other entities in relation to objectives or key terrain in order to understand which defeat mechanisms and/or stability mechanisms favor friendly forces.[31]

Time-distance calculations are basic computations based on a known distance covered at a constant speed in a specified direction. Their yield is "elapsed time." By definition, ratios represent a comparison of two values. In a problem statement, we can express a ratio as a relation between factors such as momentum (movement toward a desired outcome); velocity (speed and direction of the entire force); or reaction cycles (elapsed time from observation to effective response). If the resulting ratio favors friendly forces, the ratio must be protected. If the resulting ratio favors enemy forces, we must calculate a second ratio that sets conditions favorable to friendly forces. Part of the problem becomes changing the ratios to achieve the favorable conditions.

A problem statement is the key output from mission analysis rather than a shortcut en route to a course of action. A problem statement has two

components. In the first component, planners define conditions that must be established or prevented. Planners describe conditions in sentences that address structure of forces involved, time-distance measurements, and time-based relationships such as "before" or "after." The second component of the problem statement consists of critical planning factors that affect course-of-action development and analysis and decision-making.

While developing a problem statement requires an investment of time and effort, the effectiveness dividend is a fact-based explanation of the mission in terms of relationships, patterns, and critical tasks. The problem statement's efficiency payoff comes in time saved when developing all other mission analysis outputs such as planning guidance, information requirements, and commander's intent.

Developing a Problem Statement: An Example

So how do we develop a problem statement? An historical example, Custer at Little Bighorn, should help illuminate the process. My intent is to frame the situation from General Custer's perspective on the morning of 25 June 1875 before he initiated a course of action. The facts come from multiple historical accounts that incorporate some assumptions and inferences. First, I will list relevant information drawn from the accounts for each of the three steps discussed above. Second, I will present a statement of General Custer's tactical problem as a synthesis of facts that he could have derived from a mission analysis.

Step 1. The first step deals with conclusions related to the context, capabilities, and structure of friendly and enemy forces.

Context. With regard to context, sources indicate that having lost the element of surprise, Custer's cavalry units needed to approach the Indian's village with stealth in order to prevent the occupants from moving to escape or fight.[32] Custer's units had to move at midday under clear visibility across low rolling hills and through tall grass with Indian scouting parties deployed throughout the area of operations. The Little Bighorn River valley appeared relatively open and flat. On the other hand, ravines and streams compartmented the area of operations as a whole.[33]

Capabilities. Custer's command consisted of about 650 soldiers, scouts, and guides armed with breech-loading carbines but no artillery support.[34] On the opposing side, an estimated 1,500 warriors carried a mix of firearms along with traditional Indian weapons.[35]

Structure. Custer's cavalry regiment consisted of 12 companies with established command and control suited for tailored task-organization options.[36] In contrast, the Indian tribes were a loosely affiliated coalition organized more around a warrior society code of bravery in the face of danger.[37]

Step 2. The second step considers height, width, and depth factors in the operational environment over time in order to comprehend the maneuver relationships friendly and enemy forces must establish and prevent.

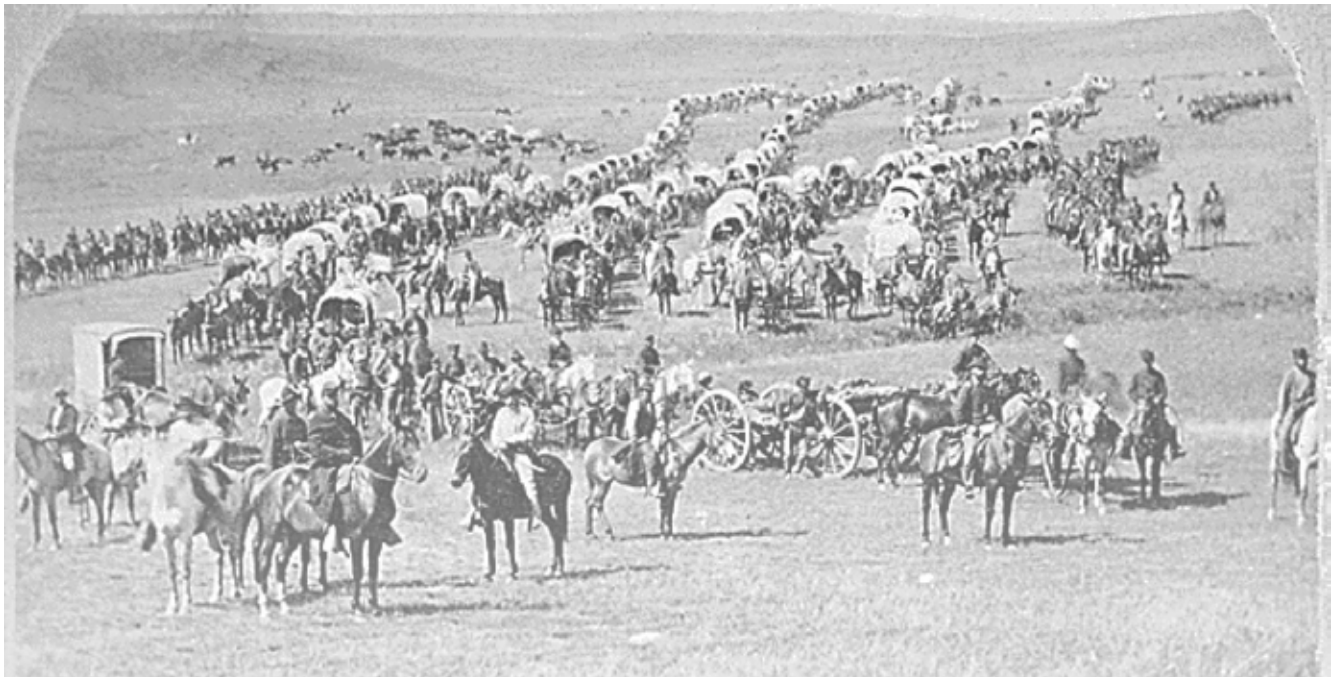
Height. Low rolling hills dominated the area.[38] Due to the absence of clouds and full sun, visibility allowed observation of a moving force at a distance of perhaps six miles or more throughout much of the area.[39]

Width ranged from about one-quarter to one-half mile along the Reno Creek to approximately one-half to one mile in the Little Bighorn River valley, to one-half mile or less on high ground east of the Little Bighorn River valley.[40]

Depth. Approximately 16 miles separated the cavalry from the suspected Indian village. The cavalry initially moved along a creek bed (Reno Creek) for about 13 miles to the Little Bighorn River. After crossing the river, a move of just over two miles, more or less, remained to the Indian village.[41]

Time. From a spatial perspective, the cavalry had to control the Little Bighorn River valley before the Indians detected movement and reacted to escape or fight. Additionally, U.S. reinforcements had to move along exterior lines to assist cavalry units in contact before the Indians could mass forces along interior lines.

Step 3. In step three, the planner calculates time-distance factors of friendly and enemy forces in relation to objectives or key terrain in order to understand the defeat mechanisms that favor friendly forces. The distance from the start point at Reno Creek to the expected line of contact at the Little Big Horn River was about 13 miles. If the leading cavalry units crossed the line of contact before being detected, they had the speed to keep the Indians from reacting effectively. If detected east of the line of contact, the cavalry units had to



destroy the Indians' command and control and any organized resistance in less than 30 minutes.[42]

After gathering and analyzing information, the next action is to synthesize findings and conclusions into a statement of the tactical problem. The following problem statement of approximately 130 words synthesizes the facts related to Custer's attack:

> Problem: How to move 600 troopers in 12 companies about 15 miles along a creek bed to disintegrate a coalition of 1,500 mounted warriors before the Indians with interior lines can react to escape or fight. Detection east of the river requires hastened contact to control the village in less than 30 minutes.[43]

Critical Planning Factors:

- Maneuver space in the Little Bighorn River valley up to one mile in width; visibility of six miles or more, low hills, ravines, and tall grass shape the area. Movement causes a dust plume.
- Regiment moves at midday and must reinforce units in contact along exterior lines.
- Regiment must conduct an in-stride river crossing.
- Indian arms include repeating rifles; scouting parties are working throughout the area.

Conclusions and Recommendations

Problem identification is a professional competency that applies across the full spectrum of military operations. Since the late 19th century, the U.S. Army Command and General Staff College has followed a problem-solving approach to instruction. But instruction focused on building expertise in the MDMP does not develop competence in identifying tactical problems. In order to fill the gap, Army doctrine and officer education should emphasize how to—

- Analyze the operational environment to grasp facts related to the variables of context, capabilities, and structure.
- Analyze height, width, depth, and time factors to understand maneuver relationships that friendly forces must establish and prevent.
- Assess time-space factors to understand the defeat mechanisms that favor friendly forces.
- Summarize conclusions developed during analysis and assessments in order to develop a statement of the tactical problem that will guide planning and decision making.
- Write cogent problem statements based on structured analysis that produces findings and conclusions concerning critical relationships between and among the important factors of a given situation.

For 30 years, analytical planning has been important to Army doctrine, but doctrine writers have neglected to define how to meet the first requirement in analytical planning: identifying the tactical problem. If we are to make good use of what we know, doctrine writers, curriculum developers, and

Army educators must realize that merely hoping MDMP exercises will somehow lead to competent problem identification simply is not prudent. We can only gain by instituting a systematic, workable problem identification process. As inventor Charles Kettering has said, "A problem well stated is a problem half solved."

The all-important first step of developing a method to identify a problem is now behind us. The path to problem-solving competency is open. ***MR***

PHOTO: (previous page) Column of cavalry, artillery, and wagons, commanded by General George A. Custer, crossing the plains of Dakota Territory. By W.H. Illingworth, 1874 Black Hills expedition. (NARA)

NOTES

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12. FM 101-5 (May 1984), 5-6.

13. Ibid., E-2.

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15. FM 101-5, *Staff Organization and Operations* (May 1997), 5-1, 5-5.

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17. Ibid., D-1.

18. FM 5-0, 2-1.

19. Ibid., 3-1.

20. Ibid., 1-12.

21. Ibid., 2-4, 2-5.

22. Ibid., 1-7, 1-11; FM 3-0, *Operations* (Washington, DC: GPO, June 2001), 5-36.

23. Ibid., 2-7.

24. Field Manual Interim (FMI) 5-0.1, *The Operations Process* (Washington, DC: GPO, March 2006), 5-2.

25. Ibid., 1-20.

26. Ibid., 2-2.

27. FM 101-5 (1968), 6-3.

28. FM 101-5 (1997), D-1 and FM 5-0, 2-7.

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36. Dennis "DK" Clark, "Following the Guidon's Trail," *16th Annual Symposium Custer Battlefield Historical & Museum Association, Inc.*, June 2002, 41-46, 54.

37 Utley, 52. Dennis "DK" Clark, personal correspondence, 20 October 2006, described the Indians' approach to command and control in terms of a loose alliance that followed a warrior code of bravery.

38. Ibid. Clark noted that bluffs of up to 300 feet framed the east side of the Little Bighorn River Valley, a critical fact that Custer did not know until later in the day because Sharp Shooter's Ridge blocked his view in the morning.

39. Utley, 51; Marquis, 41.

40. Utley, 44.

41. Liddic, 52; Utley, 64-65; David C. Gompert and Richard L. Kugler, "Custer in Cyberspace," *Defense Horizons*, February 2006, 6.

42. Utley, 51-53.

43. Clark. Dennis "DK" Clark confirmed this calculation based on Custer's previous experience with the Hancock expedition, when an Indian village escaped because contact was not made until approximately an hour after detection.

The Future of the UNIFORMED ARMY SCIENTIST and ENGINEER PROGRAM



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TECHNOLOGY AND INNOVATION relevant to the field of battle have often been a key factor in gaining victory in combat. An often noted example is the Battle of Agincourt in 1415, around the advent of the rebirth of learning in the West we call the Renaissance. As the apex of King Henry V's campaign against France, the victory secured a temporary advantage for England in the later stages of the 100 Years War. During the fight, Henry V's Soldiers' used the English longbow, a weapon whose heyday began as early as 1250, but whose devastating effectiveness French nobility had yet to fully appreciate. Even though they had lost momentous battles to rustic English armies since Crecy in 1346, the French aristocracy did not grasp how technology had trumped their martial ardor. Henry's yeoman soldiers, wearing lighter armor than the French chivalry, dismounted, dug in, and directed their powerful archery at angles into the enemy's mounted frontal attack. To achieve England's success, Henry took advantage of French tactical inertia and obtuseness by matching it with technology, innovation, and a perspicuity untrammeled by chivalric arrogance.[1] The relevant lesson for today's American Soldier comes from the calculated way the English used their technology to advantage.

The advantage of employing the best technology with innovation and creativity is not lost on those who are developing future Army doctrine. Acquiring new technology and equipment, and having the foresight to creatively put them to good use, are the best ways to save Soldier's lives while completing missions. Assistant Secretary of the Army for Acquisition, Logistics, and Technology Claude M. Bolton says, "We must ensure that our warfighters have the capabilities they need to accomplish the nation's military demands in this new and emerging global environment...We must develop, acquire, and sustain key military capabilities that enable us to prevail over current challenges and to hedge against, dissuade, or prevail over future threats...The world situation demands an Army that is strategically responsive and dominant at every point on the spectrum of military operations. We are working hard to ensure that America's Soldiers continue to be the best trained, best led, and best equipped land force on Earth."[2] Put simply, Bolton was saying that the force development community must develop technological capabilities relevant for current and future strategic and tactical operations.

The U.S. Army Research, Development, and Engineering Command (RDECOM) has responsibility for this effort. RDECOM has research, development, and engineering centers (RDECs) situated throughout the country where

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PHOTO: A Soldier from the explosive ordnance disposal unit attached to 1st Battalion, 187th Infantry Regiment, 101st Airborne Division, prepares the PackBoT® Tactical Robot System to survey the area where a suspected improvised explosive device was found. (U.S. Army, SPC Charles Gill)

scientists and engineers use emerging technology to support today's Army and the future force.[3] In the past, most of these scientists and engineers were civilians, but in 2003, the Army initiated the Uniformed Army Scientist and Engineer (UAS&E) program to develop future leaders for the Army's research and development (R&D) community. Selectees are required to have advanced degrees in hard science or engineering and have combat and field experience. According to General Paul J. Kern, commander of the U.S. Army Materiel Command, "The uniformed Army scientist and engineer officer, equipped with field experience and an advanced engineering or hard science degree, provides the Army with specialized technical skills and understanding...These officers enable our Army to make informed decisions on new and emerging technology and then to rapidly transition that technology from the laboratory to warfighters on the battlefield."[4] In other words, having "warrior scientists" in the field helps streamline the process of getting technology to the Soldiers who need it.

As implemented, the UAS&E membership consists of Army acquisition officers drawn from a pool of those available in functional area 51S, Systems Planning, Research Design, and Engineering. Generally, officers within this field already have the expertise to develop technological solutions to requirements, but as mentioned before, those selected to the UAS&E program must have an advanced (master's or doctorate) degree in engineering or science.

The Research, Development, and Engineering Command has the greatest need for UAS&E officers; thus, the transition plan calls for RDECOM to change all but one of its military acquisition position list authorizations to 51S and modify the table of distribution and allowances to reflect the requirement for an advanced degree for those positions.[5] UAS&E officers, like other acquisition functional area officers, can also be field assistance science and technology (FAST) team leaders, advisors for combatant commands and combat maneuver training centers, or program managers. In addition, UAS&E officers can be assigned to Army and Department of Defense (DOD) laboratories, to the U.S. Army Military Academy at West Point, and to key scientific and engineering advisory positions throughout DOD.

Although some UAS&E officers are assigned to the dedicated positions at RDECOM, the majority of these scientists fill traditional acquisition jobs. Moreover, the functional specialty does not have a career program path with specific developmental assignments. It seems that the recruitment, development, and utilization of these scientists and engineers must change if we want to attract and retain the best candidates and use these scientists and engineers to their full potential.

The Warrior Scientist

The UAS&E officer should be a warrior scientist, able to link the civilian science and engineering communities on one side and the military tacticians on the other. He would be a Soldier first, but also have credentials to match those of civilian scientists and engineers. In the acquisition field, the warrior scientist would be on the cutting edge of research and design for future combat system materiel solutions, yet have the military experience to know what has strategic or tactical relevance.

Recruiting scientists and engineers. The Army needs to modify its current recruitment process so that it can attract the best possible Soldier-scientists to provide the expertise needed to meet the Army's future R&D requirements. As stated earlier, UAS&E officers are now selected primarily from the pool of acquisition officers. However, if the Army intends to recruit the best scientists, it should recruit them while they are still in college, with the promise to send candidates to graduate school after they are branch qualified. This strategy has several advantages. The pool of candidates with science and engineering backgrounds would be much larger than that of the acquisition field. Moreover, once commissioned and designated as candidates for functional area 51S, these selectees would likely focus on learning their tactical and strategic tradecraft with an eye toward applying their academic expertise to future technological innovations. From the beginning, they would have a keen interest in establishing and maintaining relationships with

…if the Army intends to recruit the best scientists, it should recruit them while they are still in college…

science and engineering leaders in their respective fields to have access to fresh ideas and new research in academia and commercial enterprise. Furthermore, newly commissioned candidates will see early designation of their functional area specialty as a commitment from the acquisition community and the Army. Using this recruiting and development strategy, the Army can take full advantage of investments it has already made in its university-affiliated research centers (UARCs) by sending officers to them for postgraduate education and applied research after basic branch qualification.

Career path and developmental assignments. If the Army wants warrior scientists to be developed to the logical extent that they should be, these officers should have the same sorts of experience that civilian scientists and engineers have. Accordingly, the Army should expand the role UAS&E officers have when serving in traditional acquisition positions such as program managers, field assistance science and technology (FAST) team leaders, and science advisors. Some of those possibilities are discussed below.

*Product and program managers***.** As product manager officers (PMOs), UAS&E officers would be responsible for one of several RDECOM product management offices, which foster the development of technologies that, when mature and operationally viable, will provide overmatch advantages to the U.S. Soldier. Examples include projects such as the electromagnetic gun, flexible display technologies, medical monitoring and treatment equipment, and advances in combat uniforms and personal protection equipment. Some of these projects are years away from materiel release and must overcome significant technological hurdles. If new technologies are to make it to the Soldier, program managers must know how the Army runs and understand the underlying science and technology. In short, these officers must be programmatic as well as technical leaders. If they are anything less, their credibility with civilian scientists and engineers suffers and the program could be at risk. As research programs experience technological breakthroughs and specific programs are established, the Army will be able to assign a program manager who has the experience and education to lead the rapid exploitation of this emerging technology.

FAST team leader and combatant command science advisor. The FAST program is made up of Science and Technology Assistance teams (STAT) and science advisors working together to identify technology Soldiers need in the field. Army uniformed scientist and engineer officers serve as team leaders and advisors who work closely with the combatant command leadership and Soldiers to gain an intimate understanding of Soldiers, their equipment, and the conditions they face. In so doing, they can identify capability gaps and use emerging technology to formulate materiel solutions to support mission requirements in the field.

While deployed in a combatant commander's area of responsibility, the advisor supports development of the user community's operational-needs statements, which document the urgent need for a materiel (equipment) solution either to improve a capability or to correct a deficiency that impacts mission accomplishment. During this time, warrior scientists carry a sidearm, use dedicated armored transportation, and employ secure satellite and SwiftLink digital communications systems. These tools give him and his team the ability to move independently within the constraints of the combat environment, to provide a secure communications link to the scientists and engineers in the rear, and to support basic self-defense requirements.



DOD

Rapid entry vehicles (REVs) on the assembly line at Picatinny Arsenal, New Jersey, 2006. The REV is a modified M113 armored personnel carrier used for nonlethal crowd control and rescue squad insertions. The modifications include cutting large holes in the hull and installing ballistic glass windows and Bradley firing ports, which increase Soldier survivability through improved situational awareness and mobility.

Science advisors assume the same risks as any other Soldier in the combat arena, but the potential payoff in understanding capability gaps warrants the risk.

Currently, UAS&E officers deploy four months with no return to the AOR. I propose the deployments last two to three months, punctuated by program initiation cycles at home station and a return deployment to the combatant command AOR. To support pivotal operational needs, they need to return to home station to conduct face-to-face discussions with those members of the science and technology (S&T) community most capable of rapidly fielding viable prototypes. The advisor uses this time to initiate near-term "technology insertion" prototypes and establish requirements for longer-term initiatives. The prototypes are the answers to the capability gaps the scientist discovered while in the operational environment. He might consider, for example, that an emerging technology such as high intensity light emitting diodes (LEDs) might someday replace Xenon discharge lamps for spotlights, since the LEDs do not require high operating voltages during startup. These prototypes are typified by the fieldings we are seeing today to satisfy urgent operational- needs statements, such as the Rapid Entry Vehicle, non-lethal munitions, or remote or robotic weapon capabilities. The advisor should then return to the combatant command AOR to update the user community on the status of these efforts and other relevant technology insertions the Army is deploying.

Dedicated researcher and developer in RDECs and Army laboratories. To make the best use of UAS&E officers, the Army should make these officers serve as researchers in an RDEC laboratory. UAS&E officers would provide a Soldier's insight into tactical and logistical considerations as they work with civilian scientists and engineers on applied research projects. These officers could greatly influence relevant and timely technological transitions in support of warfighting. Their perspective, which includes operational effects of things like dust, mud, grease, and lack of sleep, could help shape design constraints of equipment, to include durability, power requirements, and ease of use. Another benefit would be the opportunity for Army scientists to work with and learn from their civilian counterparts and possibly develop long-term professional affiliations with their peers in the R&D community.

Liaison to industry, academia, and service academies. There are other assignments available to UAS&E officers, currently not being filled, that would benefit the Army's research efforts and would be professionally rewarding for the officers concerned. I propose that the Army assign UAS&E officers to positions in industry and academia (the latter to include the service academies at West Point, Annapolis, and Colorado Springs). Such environments provide the opportunity for developing indispensable experience and credentials.

Industry could provide opportunities to work with teams of scientists conducting focused or applied research directed toward a manufacturing capability. The competitive nature of the military-industrial marketplace would give warrior scientists the most timely and forward-looking experiences. Furthermore, the UAS&E officer would have the opportunity to publish in trade journals and gain recognition from the greater technical community.

Academia offers complementary opportunities. Officers could obtain advanced degrees, become members of trade societies, publish peer-reviewed articles in professional journals, teach, and perform basic research.

Opportunities also exist for applied research through the Army's UARCs, such as the Massachusetts Institute of Technology's Institute for Soldier Nanotechnology and the University of Texas's Institute for Advanced Technology. Army UARCs focus on critical emerging technologies such as electromagnetic guns and nanotechnology. Current UARCs at major universities can become a virtual network of world-class science and technology education nodes for the Army. Officers

Army UARCs [university affiliated research centers] focus on critical emerging technologies such as electromagnetic guns and nanotechnology.

assigned to these universities for postgraduate work would have opportunities not only to push back the boundaries of cutting edge technology, but also to apply new technology to battlefield requirements being addressed by the UARC at that university. This educational opportunity would have all the advantages of the Naval Postgraduate School, but with a tier-1 university.[6]



DOD

Completed rapid entry vehicles staged at Picatinny Arsenal for shipment to Iraq, 2006.

While working as instructors, research scientists, or engineers at universities, service academies, or in industry, UAS&E officers would have opportunities to develop and prove their expertise as research scientists or research group leaders. Such a position would earn them credibility in their individual scientific spheres and could also allow them to serve as agents of recruitment.

Providing a Bridge—The Future UAS&E Officer

The most effective UAS&E officers will be warrior scientists, "renaissance Soldiers" in the sense that they will be responsible for using their imaginations and scientific curiosity to cope with future battlefields. These officers will be a bridge from the civilian science and engineering communities to military tacticians. Such relationships will help the Army break out of outmoded, inertial ways of thinking.

The warrior scientists will bring current tactical insight and strategic foresight to the R&D community. They will have a unique perspective of battlefield requirements—one that is not the same as their brothers and sisters in arms or their peers among scientists and engineers, but a derivative of both. They will be credible among their civilian counterparts and be able to translate battlefield requirements into viable program elements.

Because they understand the missions, functions, and logistical nuances of the forces, warrior scientists will be able to identify the required capabilities and determine the most relevant solutions in a given operational environment. Ideally, given the cultivated flexibility of their scientifically trained minds, they will develop the foresight to see how technology could shape future military strategy. At the same time, their military background will bring technical expertise and leadership skills into a realm characterized by management of cost, schedule, and performance. Their vision will provide a path to break out of this old realm into one marked by technical leaps and innovation.[7]

A UAS&E program that bridges warriors, scientists, and engineering professionals with the acquisition workforce requires a long-term investment and a shift in how the Army recruits candidates and develops selectees. Combatant commanders and leaders within the acquisition community should make equal purchase in this investment or it will fail. ***MR***

NOTES

1. For more information about the Battle of Agincourt, see on-line <http://en.wikipedia.org/wiki/Battle of Agincourt>, accessed 15 May 2007.

2. Claude M. Bolton, Jr., *How the Army Runs* (Carlisle, PA: The U.S. Army War College, 2005-2006), chap. 11, 199, <www.carlisle.army.mil/usawc/dclm/ htar2005-update.htm>, accessed 15 May 2007.

3. Ibid., 217-18. "A mainstay of the Army strategy for military technology is a viable in-house research capability. Laboratories and research, development, and engineering centers are the key organizations responsible for technical leadership, scientific advancements, and support for the acquisition process. Activities of these organizations range from basic research to the correction of deficiencies in field systems. Academia and industry as well as hands-on bench work contribute to the science and technology mission. Technology insertion into systems is accomplished via the flow of patents, data, design criteria, and other information into [tactical databases, airborne tactical data systems, advanced concept technology demonstrators], new designs, and fielded systems." (para. 11-23.d, 217, 218).

4.Karen Jolley Drewen, "New program to develop Army scientists and engineers," *RDECOM Magazine*, November 2003, 27-28.

5. Aaron Brown, "Uniformed Army Scientist and Engineer (UAS&E) Program," draft information paper, 27 December 2005, <http://asc.army.mil/docs/programs/uase/UASE_INFO_PAPER.doc>.

6. From e-mail correspondence and review notes on an early draft of this manuscript by Dr. Harry D. Fair, Ph.D., director, Institute for Advanced Technology.

7.Clayton M. Christensen, *The Innovator's Dilemma: When New Technologies Cause Great Firms to Fall*, (Boston: Harvard Business School Press, 1997), 53. Christensen's discussion focuses on disruptive innovations and value networks.

The Strategic Plans and Policy Officer *in the Modular Division*



Major Francis J.H. Park, U.S. Army

THE ARMY'S TRANSFORMATION from a division-based to a modular-brigade-based force structure has led to a number of significant changes to the division headquarters. Under the modular design, the division headquarters is now a joint-capable organization that is a potential nucleus for a joint task force (JTF) or an Army forces headquarters. The division now executes functions previously done at the corps level, and the division's next higher headquarters may very well be a theater army or a JTF. These changes dramatically increase the division's scope and responsibilities. In light of the changes, this article describes the roles of the functional area (FA) 59 strategic plans and policy officer in the modular division headquarters, presents some lessons learned from the deployment of FA 59 officers to Iraq and Afghanistan, and looks at some future ramifications for FA 59 officers at the division level.

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PHOTO: Forward Operating Base Dagger, 28 February 2006, after the first combined rehearsal for Operation Zair El-Esad (Roar of the Dragon) with the 4th Iraqi Army Division and other Iraqi and U.S. organizations. (101st Airborne Division PAO)

An Introduction to Functional Area 59

The strategic plans and policy functional area has existed since 1997, with the implementation of Officer Personnel Management System (OPMS) XXI (later retitled OPMS III). Department of the Army (DA) Pamphlet 600-3, dated 28 December 2005, describes the functions of an FA 59 officer: "To provide Army organizations, combatant commands, the Joint Staff, and the interagency community the capability for strategic analysis in support of the development and implementation of plans and policies at the national strategic and theater strategic levels. FA 59 officers execute key institutional and operational core processes, including formulation and implementation of strategy and strategic concepts and policies, and the generation, strategic projection, and operational employment of decisive joint and coalition land combat power."[1]

In addition to the common leader competencies discussed in the chief of staff of the army's "Pentathlete Vision," FA 59 officers perform four unique functions: strategic appraisal; strategic and operational planning; joint, interagency, intergovernmental, and multinational (JIIM) integration; and strategic education.

Strategic appraisal, in execution, requires a comprehensive assessment of the strategic environment, which is often complex and uncertain. FA 59 officers' assessments enable their organizations to iteratively reassess and

adjust their operations and plans to meet adaptive adversaries, changing ends, and complex situations. Strategists are also trained to recognize cultural and organizational constraints that inhibit effective strategy analysis. For these reasons, FA 59 officers are usually educated in military history or international relations theory to improve their judgment when facing complex or poorly defined problem sets.

Strategic and operational planning, often termed campaign planning, covers the development of actionable plans or recommendations that translate operational means into political success. FA 59 officers provide specific expertise on the use of military forces and the combinations of national capabilities that can best achieve the commander's strategic end state.[2] The FA 59 officer is educated to exploit interdisciplinary approaches in support of diagnosis, analysis, assessment, and execution, thereby facilitating the commander's ability to see and operate beyond traditional operational concepts in order to achieve desired strategic effects.[3] This is perhaps an FA 59 officer's most important contribution to a division planning team: he is predisposed to operate beyond the analytical confinement of the rapidly-turning Military Decision-Making Process (MDMP).

In addition to operational planning, FA 59 officers are well versed in institutional planning and the resourcing processes. With the division's FA 50 force management officer, they support the division's new institutional planning functions under the modular design.

The FA 59 officer's *JIIM integration skills* enable military organizations to operate more effectively with other elements of national power. FA 59 officers are educated to gain broad perspectives on national power so that they may provide nonpartisan approaches to integrating service policies for combined strategy. Within this process, FA 59 officers provide particular focus to articulating military operations (with emphasis on land-power capabilities) and logistics. At the division level, FA 59 officers may serve interface functions between the division headquarters and the wide variety of organizations operating within (and over) the division's area of operations (AO). Due to the FA 59 officer's knowledge and focus on JIIM integration, he (or she) is well suited to lead planning processes and integrate staff coordination with JIIM partners.[4]

Finally, FA 59 officers support *strategic education* across the Department of Defense. To assist, FA 59 has established supporting networks to disseminate best practices across the community of strategic planners. While the strategic education function does not tie directly to an FA 59 officer's support to the division, the support network does provide the division staff another conduit of education to improve its planning and JIIM integration functions.

The modular division is authorized two FA 59 officers (strategic plans officer, coded 59A00 MAJ) in the G-5 (plans and analysis) section. Although initial versions of the division headquarters had a billet for an FA 59 officer as a functional planner for the Joint Planning and Execution System (JOPES), both positions are now general in focus, and consequently much more flexible in purpose. The duties of the strategic planner can encompass conventional operational planning, but are often political-military, joint, interagency, or multinational in nature. The unique Title 10 competencies incident to FA 59 also have institutional planning implications.

At present, six division headquarters, four in Iraq and two in Afghanistan, have completed deployments with FA 59 officers. Most observations here stem from the 101st Airborne Division's tour as Multi-National Division-North (MND-N) during Operation Iraqi Freedom (OIF) 05-07.

FA 59 as a Conventional Military Planner

During OIF 05-07, the 101st addressed planning and policy issues directly through Multi-National Corps-Iraq (MNC-I), the primary operational headquarters, and occasionally interacted with Headquarters, Multi-National Forces-Iraq (MNF-I), the combined joint task force leading the overall effort. In some cases, a division had to effectively create policy by providing hard task-and-purpose guidance to units on the ground in response to rapidly changing situations. The divisional FA 59 officer provided the division command and staff a long-term approach to executing the division's strategy, or, in more extreme circumstances, informed the commander on the creation of emerging policy and helped develop a sustainable strategy to fit it.

The division FA 59 officer provides commanders a greater diversity of opinion, tempered by relevant professional expertise, than they would

normally receive from their staffs. He gives the commander a wider range of options in assessment and planning. The different educational paths FA 59 officers take from their maneuver/fires/effects counterparts are principally responsible for this diversity of opinion. Until the officers assessed into FA 59 in 2006 complete their training and education, Human Resources Command will fill one of the FA 59 plans officer billets in each division through School of Advanced Military Studies (SAMS) student distribution.

One of the most common stereotypes of the FA 59 officer is that he is a graduate of SAMS. In reality, less than 20 percent of FA 59 officers have attended SAMS or one of its sister service equivalents.[5] The SAMS curriculum has some overlap with the FA 59 qualification course on topics such as joint operational art and strategic theory, but at different concentrations. There are also differences in focus between SAMS-qualified officers and FA 59s. Unlike the SAMS curriculum, which principally focuses on planning, preparing, and executing full-spectrum operations in a tactical and operational context, FA 59 qualification concentrates on strategic appraisal and planning at the political and military nexus.

As an operational-level headquarters, the division naturally retains a higher density of SAMS-qualified officers than it does FA 59 officers. One of the critical issues to be solved is how to best integrate officers with differing backgrounds and skill sets. The FA 59 functional area seeks to increase the number of SAMS graduates in its ranks to meet the demands of the operating force, because it views SAMS education as an excellent operational-level complement to the functional area's strategic appraisal, strategic planning, JIIM integration, and strategic education competencies.

FA 59 as a JIIM Integrator

Much of what an FA 59 officer brings to a division headquarters is the ability to think in both the political and military arenas. Although the modular division headquarters is not authorized FA 48 foreign area officers (FAOs), the theater army could potentially attach FAOs to the division to further improve political-military integration. FA 59 and FA 48 officers substantially complement each other at the division headquarters. Working together, they can provide the division planning cell with more thorough political, military, and planning assessments than can be formulated using only the MDMP. FA 48 officers have regional and cultural expertise, while FA 59 officers are expert in the strategic appraisal and planning functions. Operationally, the two officers provide a synergistic capability that enables the division commander to interface with a broad range of actors and target his operations more effectively in complex environments.

Coalition operations are common in the contemporary operating environment. For most units in OIF 05-07, this meant operating with Iraqi Security Forces (ISF). The 101st Airborne Division (Air Assault), however, exercised tactical control (TACON) of Georgian and Albanian forces during its tour. Operating with host-nation forces in the host nation's own boundaries is one matter; exercising TACON over forces from a completely different country, with different levels of interoperability, is another. Operations with these forces called for a broad perspective above the tactical level.

During OIF 05-07, the 101st had to reposition Georgian forces in the division AO. The issue at hand was how arraying Georgian forces in the AO would affect U.S. relations with Georgia. Failure to take this into account could have undermined significant security cooperation work being done in the U.S. European Command area of responsibility. The FA 59 officer's strategic assessment skills and functional knowledge of the security cooperation framework of a combatant command were valuable in the ensuing deliberations. These skills, not taught in other intermediate-level military schooling, might have helped prevent an international incident. What made the deliberations difficult was the requirement to reconcile tactical needs against strategic priorities that were not apparent to anyone else.

The 101st's FA 59 planners also served as primary planners for infrastructure security, which required an interdisciplinary approach because the security arrangements for oil production, refinery, and distribution in the division AO involved Iraqi Army regular forces and strategic infrastructure battalions, the contracted Oil Protection Force guarding refinery and distribution sites, and other coalition forces. In many cases, too, the nature of the threat to infrastructure security was not insurgent in nature, but criminal. This required planners to address the



101st Airborne Division PAO

The 101st Airborne Division and 4th Iraqi Army Division command and staff during an infrastructure security rehearsal at the 4th Iraqi Army Division headquarters, FOB Dagger, 10 March 2006 in Tikrit, Iraq.

underlying socioeconomic conditions contributing to attacks on the infrastructure as well as the military symptoms of security conditions.

The 101st also designated planners for each of the governorates in its AO. As with infrastructure security, many of the issues underlying governorate security were not military, but social, political, and interagency in nature. The Iraqi Army was the critical player for security within the governorate, but it often required external assistance through the division for strategic infrastructure forces, national and local police, and provincial and local governments. The FA 59 officer frequently found himself in a unique position to influence the division's plan because of his perspective and interagency duties.

Not surprisingly, the inherently joint, interagency, and multinational nature of strategic planning in the division AO made for frequent interaction with Department of State assets. The 101st had two regional embassy offices and several State embedded teams in its division AO during OIF 05-07. While execution responsibilities lay primarily with the brigade combat teams (BCTs) nearest to those State Department assets, much of the policy and strategy coordination occurred in the division headquarters. Some of the direct liaison in the division headquarters with State occurs in the division G-9 (civil-military operations), but the most likely officer to generate unified action across the military and diplomatic domains for the division is the FA 59 strategic planner sitting in the G-5 section. Recent experience in Afghanistan corroborates the experience in Iraq. The 10th Mountain Division's strategic planner also served as the primary interagency planner and liaison to the division headquarters, which was the nucleus for Combined Joint Task Force-76.[6]

FA 59 as a Force Generation Planner

A division acting as a JTF does not have a higher headquarters to execute JOPES and force-generation functions for it. Consequently, an FA 59 officer with knowledge of force-generation functions can leverage the transportation management coordination NCO in the division G-5 section to anticipate, plan for, and execute actions related to allocating strategic resources, whether they are equipment, units, or personnel. During OIF, the XVIII Airborne Corps employed one of its strategic planners solely in the force-generation role. In the legacy division, this responsibility belonged to the chief of plans.[7]

Given the modular division headquarters' new training and readiness oversight (TRO) responsibilities, the division staff requires a more robust capability for force planning. The division's TRO

relationship with its brigades is distinct from the mission oversight relationship that a division headquarters has over the brigades it operationally controls in theater.[8] Additionally, the Army Campaign Plan now assigns installation commander or senior mission commander responsibilities to every active-component division headquarters for the BCTs assigned it for TRO.[9]

Under modularity, a division's chain of command no longer runs through a corps headquarters but directly to an Army service component command or, in the case of divisions in the continental United States, to Forces Command. As a result, divisions play a much greater role in the adaptive planning process and specifically in the sourcing of requirements mandated by the 2006 *Quadrennial Defense Review*. Under the Army Force Generation (ARFORGEN) model, most divisions will staff their deployment force structure requirements directly to Forces Command, whereas previously, they had passed those requirements through a corps headquarters. Therefore, FA 59 officers at division level should be able to operationalize the actions required under adaptive planning and ARFORGEN.

While at home station, the paths of the division's FA 59 officers and the installation's directorate of plans, training, and mobilization (DPTM) should coincide. Division-level strategic planning under the ARFORGEN will drive the DPTM's strategy to support force readiness and employment. We should tie the FA 59 strategic planners in with the division's FA 50 force integration officer for many of those functions and assign the FA 50 officer to the division G-5. This relationship will become critically important to organizations conducting force structure and/or basing actions mandated by the Army Campaign Plan. For deployed units, a division strategic planner is no substitute for a home-station DPTM, but in the context of the ARFORGEN, he can still assist BCTs in their long-range planning.

Summary

The strategic plans and policy officer represents a powerful force multiplier for the modular division headquarters. Given the modular division's greatly expanded responsibilities, the FA 59 officer offers a significant new perspective, primarily through strategic appraisal, strategic and operational planning, interservice and interagency integration, and strategic education. FA 59 officers possess unique skills that are especially useful at the division level, where the only other officers of similar education are senior-service-college graduates. FA 59 officers can be most effective when organizations leverage nontraditional education and perspectives to increase diversity of opinion and planning options for commanders. ***MR***

NOTES

1. Department of the Army Pamphlet 600-3, *Commissioned Officer Development* (Washington, D.C., Government Printing Office: 2005), 389-90.
2. Department of the Army, G-5 Strategy, Plans, and Policy Directorate, "FA 59 Strategic Plans and Policy Update, September 2006" (PowerPoint presentation) (Washington: September 2006), slide 7.
3. Ibid., slide 8.
4. Ibid.
5. Most FA 59 officers who have attended advanced intermediate level schooling are graduates of the School of Advanced Military Studies, but a few are graduates of the U.S. Marine Corps School of Advanced Warfighting at Quantico, VA. Other advanced intermediate level schools include the School of Advanced Airpower Studies at Maxwell Air Force Base at Montgomery, AL, and the Joint Advanced Warfighting School at Norfolk, VA.
6. Email correspondence with MAJ Scott Cline, strategic planner at Combined Joint Task Force-76, 7 September 2006.
7. Email correspondence with MAJ Mark Kneis, strategic planner at XVIII Airborne Corps, 12 November 2005.
8. Future revisions of Field Manual (FM) 3-0, *Full Spectrum Operations*, and FM 7-0, *Training the Force*, will address this in more detail. U.S. Army Combined Arms Center-Training, *FM 7-0 Issue Paper #3, Training and Readiness Oversight (TRO) and Mission Oversight (MO)* (Fort Leavenworth, KS: 9 September 2006), 1.
9. Department of the Army, *Army Campaign Plan,* Change 3 (Washington, DC: 2006), A-16.



Brigade Headquarters for National Guard Civil Support Teams: A Homeland Security Imperative

Lieutenant Colonel James D. Campbell,
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Public safety organizations, chief administrative officers, state emergency management agencies, and the Department of Homeland Security should develop a regional focus within the emergency responder community…
—The 9/11 Commission Report[1]

The author wishes to acknowledge and thank his friend and colleague, LTC Eric Furey of the Massachusetts Army National Guard, for his collaboration and important contributions to many of the ideas contained in this article.

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PHOTO: CST exercise at the Training Ship, State of Maine, Maine Maritime Academy, April 2006. (SFC Chris Hopper, 11th CST (WMD), MEARNG)

IN MAY 1998, after a series of presidential decision directives and congressional actions, President Bill Clinton announced the formation of 10 weapons of mass destruction—civil support teams (WMD-CST) within the National Guard.[2] The original 10 teams were located 1 per Federal Emergency Management Agency (FEMA) region to coordinate with federal agencies and synchronize training and operational responses to terrorist incidents region-wide. Since their formation, the number, structure, and missions of these units have evolved. There are now 55 CSTs, 1 in each state and territory except California, which has 2. Each unit has the same table of distribution and allowances and basic mission, but disparities have developed over time in functional organization and some equipment. And as the units have matured, each has developed a new mission focus and skill set suited to its local or state geography and threats. For example, the 2d CST, in New York, developed an ability to work in the urban environment of New York City, while the 93d CST, in Hawaii, cultivated strong maritime contingency skills.

It would be natural to think that these units, with their deeply important state and federal roles, would have their training and operational cycles closely coordinated. Further, it is almost a military truism that there should be robust operational oversight of these functions with a strong interface between the CSTs and the critical federal agencies they will assist in the event of a terrorist incident. And it is logical to assume that given the regional nature of most threats the CSTs might face, there would be a regionally based command structure ensuring that the teams are interoperable and mutually supporting, and that response planning occurred that not only maximized the capabilities of the region's CSTs, but ensured that this important capability was linked with response planning at the regional and federal levels.

This is, unfortunately, not the case. Beyond verbal or other informal agreements between unit commanders and mid-to-lower-level authorities in other government agencies, there is no formal mechanism by which the individual state CSTs coordinate any of their efforts in planning, training, or operational response, and no mechanism to ensure coordination with other agencies in the homeland security arena. Given the critical place these units hold in the realm of homeland security, this situation is potentially very dangerous and must be addressed. Establishment of regionally based CST brigade headquarters is a solution.

Background

As mentioned above, the first 10 CSTs were located in FEMA regions to provide counterterrorism assistance to regional federal authorities.[3] Now, however,

the 55 CSTs—54 of which are controlled by state or territorial joint forces headquarters (JFHQ)—focus on local and state response capabilities rather than regional ones.[4] Not only do the CSTs focus less on the regional mission, but since civilian first-responders and local authorities have increased their capacity to respond to terrorism, the CSTs are in some instances redundant as a purely local asset.

There are several reasons why CSTs should be formed into brigades with brigade headquarters. For one, the terrorist threat has not changed. Terrorist incidents have repercussions well beyond the local and state level, as attacks in Oklahoma City, New York City, and Washington, D.C. have shown, and CSTs need to be able to respond regionally. For another, because CSTs are not designed to support operations lasting more than 36 hours, large-scale incidents will likely require the deployment of multiple CSTs.[5]

Despite the obvious needs to focus beyond local environs and to conduct relief-in-place during extended operations—and contrary to some central assumptions of military doctrine—there is no specifically designed tactical or operational headquarters above CST level. The JFHQ is not staffed or resourced to perform the day-to-day operations required to command CSTs, and even states with robust directorates of military support (DOMS) lack an intermediate-level CST command capability—the DOMS is a planning and policy coordination staff, not a tactical command group.[6] Currently, there is no formal means to coordinate the efforts of multiple CST units; no specifically organized intermediate-level interface between CSTs and the National Guard Bureau (NGB), U.S. Army North, and U.S. Northern Command (USNORTHCOM); and no headquarters to facilitate pre-incident and operational coordination between CSTs and the Department of Justice (DOJ), the FBI, the Department of Homeland Security (DHS), and the DHS's subordinate organizations, FEMA and the Coast Guard.

Why is this? The primary cause goes back to the ad hoc, evolutionary nature of CST formation and fielding. Now, however, the CSTs are structurally and doctrinally mature, and initiatives to deploy some or all of them outside the continental U.S. are under consideration.[7] The Army and other federal departments know that the CSTs bring outstanding capabilities to a wide array of homeland security situations, from terrorist incidents to natural disaster responses to pre-incident planning for special events like national political conventions and international summits. Clearly, the absence of intermediate-level oversight is a significant shortcoming that we must address in order to maximize the CSTs' utility.

The CST Brigade

In keeping with the original concept of locating CSTs by FEMA region, CST brigade headquarters would provide mission and training oversight of the individual CSTs within each region. For example, the CST brigade for FEMA region one would contain the CSTs from Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Locating each brigade headquarters near the FEMA regional office would help link the National Guard's primary homeland security asset with the DHS response to any terrorism-related incidents. Additionally, because the FBI's regional structure parallels FEMA's, a regionally based CST brigade headquarters would greatly increase the crucial interface between regional CSTs and the DOJ should CSTs be deployed. The brigade would work closely with other entities charged with homeland security missions, such as the U.S. Customs and Border Protection Agency and the U.S. Coast Guard (which has a similar regionally based command structure). Moreover, a regionally oriented brigade would be ideally situated to facilitate Emergency Management Assistance Compact responses throughout its region.

CST commanders are often in the difficult position of having to command and control their units tactically while simultaneously reporting to tactical, operational, and strategic higher headquarters, including state JFHQ, USNORTHCOM, and NGB. Right now, when two or more CSTs arrive at an incident scene, there is no formal mechanism beyond a verbal agreement or memorandum of understanding to determine which CST commander is in charge of combined CST operations. This situation glaringly violates the principle of unity of command and could lead to conflicting SOPs and functions that cause unnecessary confusion and difficulties at a scene.

A brigade headquarters would solve most of these difficulties and provide additional expert personnel to augment any response. The brigade could report to NGB and USNORTHCOM and



MEARNG, SFC Chris Hopper

CST exercise with Maine State Police Bomb Team at the Nevada Test Site, Nevada, July 2007.

assist with introducing follow-on military units such as chemical, biological, radiological, nuclear, and enhanced conventional weapons response force packages and decontamination, medical, and transportation units.[8] Free of the burdens imposed by temporary arrangements between units based on personal relationships, CST commanders could focus on the tactical operation.

Commanding each CST would be a colonel, assisted by a deputy commander/operations officer (O-5/O-4) and an administrative/logistics officer (O-4/O-3). To ensure that institutional knowledge of state units is maintained in the regional headquarters, only officers and NCOs who successfully served as members of CSTs would make up this small headquarters. The staff would include an intelligence officer (O-3) who would work closely with the Joint Terrorism Task Force, DOJ, state, and other intelligence offices and fusion cells to keep CSTs apprised of developing information in each region. The staff would also contain a command sergeant major (E-9), an operations NCO (E-7), and administrative and logistics NCOs (E-6/E-5).

Personnel should be in a temporary Active Guard and Reserve (AGR) Title 10 (federal active duty) status to allow a multistate contribution without the drain on state AGR resources that a Title 32 (state active duty) status might entail. After assignment, brigade personnel would rotate back to their respective states or to other Title 10 positions. Title 10 status would enhance interaction with the NGB and USNORTHCOM and give the brigade the freedom to operate without concern for state structures and sensitivities. (Because of its Title 10 status, the brigade would only control CST operations at incidents requiring the deployment of two or more teams.[9]) The state adjutants general (TAGs) and governors would retain control of CSTs for in-state, local responses. Regional TAGs would select and approve personnel to meet special regional concerns and needs. Models for this kind of multistate command already exist in the National Guard's divisions, separate brigades, and Special Forces groups, and in multistate units such as 3-172 Infantry, which has companies in four New England states (and whose commander and staff might come from any one of them).[10]

The CST brigade headquarters would provide training oversight and support, administrative assistance, and direction and augmentation at a terrorist incident scene. It would ensure that CSTs meet NGB standardization goals and coordinate the NGB's rotating operational cycles at the regional level. (An unrealistic system from the start, the operational readiness cycle was originally designed for 10 CSTs; with 55, it has become awkward and impractical.) Regardless of the readiness posture imposed by NGB, state military and civilian leaders are unlikely to allow a crucial state-controlled homeland security asset like a CST to be at a lowered state of readiness. Nor are they likely to rely on units from somewhere else, perhaps several thousand miles away, for counterterrorism support.

The concept of rotational readiness is valid for units in every state and territory, but only when applied regionally. The District of Columbia's 33d CST could, for example, realistically respond in time to a contingency in Virginia or even West Virginia, but not to one in Nevada or Florida. Clearly, it would be more difficult to manage a rotating unit readiness posture in FEMA regions 9 and 10, which include Hawaii and Alaska, or region 2, which includes New York and Puerto Rico. However, each CST brigade headquarters can work with other regional brigades to overcome these problems by adjusting readiness postures and response schedules. Currently, most CSTs are at the highest state of readiness all the time, which degrades morale and their ability to train and puts unnecessary stress on administrative personnel and Soldiers' families.

A brigade headquarters capable of synchronizing the collective and individual training of regional CSTs will make training more effective and less expensive. The headquarters could develop training exercises in which units assist each other, and it could schedule contracted training events such as the CIA University course on the small-scale production of chemical and biological weapons. Many CSTs already cooperate with each other, but unsystematically, usually based on personal relationships between unit commanders. If the CSTs were brigaded, Fifth U.S. Army's regional training teams could also interface with the brigade headquarters and share the burden of external evaluation.[11]

A brigade headquarters could also help units share lessons-learned and tactics, techniques, and procedures; it could direct joint planning for contingencies; and it could coordinate pre-positioned responses to large gatherings or national security special events. In 2004, there was no headquarters responsible for developing or coordinating response plans for the multiple CSTs involved in the 2004 national political conventions. Peer CST commanders with virtually no oversight put the plans together themselves, based on mutual understandings rather than operational directives. To better support the potential response of New York's 2d CST to an incident during the Republican National Convention, 3d CST (Pennsylvania) moved to New Jersey, 1st CST (Massachusetts) relocated to New York state, and the 11th CST (Maine) moved to Massachusetts to be able to respond to terrorist incidents across New England in 1st CST's absence. Several CSTs provided additional Soldiers and Airmen to augment 2d CST.[12] Again, commanders made these arrangements based on verbal agreements, often with little or no input from any higher headquarters. The creation of CST brigade headquarters would make future response planning and execution doctrinally sound, more effective, and less likely to founder on misunderstandings or external factors beyond unit commanders' control.

Conclusion

The current lack of an intermediate-level headquarters able to coordinate, synchronize, and oversee CST training, operations, and administration is dangerous and unnecessary. The largely informal arrangements governing the operations and training of WMD-CSTs, arguably the premier response asset for domestic terrorist incidents, are no longer adequate. By relying on dedicated junior unit commanders to sort out vital operational details needed to protect our citizens, we have abrogated our responsibility to provide coherent military leadership and operational oversight for these units. Establishing a robust intermediate-level command structure for our CSTs will rectify many of these shortcomings, and it will improve the CSTs' ability to execute homeland security tasks well into the future. ***MR***

NOTES

1. *The 9/11 Commission Report* (New York: W.W. Norton & Co.), 397.

2. Presidential Decision Directive 39 (June 1995); Nunn/Lugar/Domenici Legislation (October 1996); Defense Reform Initiative, Directive #25, "Integrating National Guard and Reserve Component Support for Response to Attacks Using Weapons of Mass Destruction" (January 1998); Presidential Decision Directives 62, 63 (May 1998).

3. Even the CST unit numbering system goes according to Federal Emergency Management Agency (FEMA) region, with the first number of the unit designation corresponding to the FEMA region in which it serves.

4. The state JFHQ is the new name for what used to be the State Area Command, or STARC. The state JFHQ is organized and resourced to support the training and mobilization of National Guard units in each state for their federal mission; it has no command and control function. Since 2001, each state has been required to have a joint operations center (JOC), but these are not authorized in current manning documents, nor is there funding to keep additional personnel on orders or to procure equipment for the JOCs. Clearly, for the National Guard, command and control at the state level is problematic at best. In Maine, for example, the Guard is part of the state Department of Defense, Veterans and Emergency Management, and the JFHQ includes offices for Veterans Services, Selective Service, and several other entities that have little to do with any day-to-day operational mission. In fact, the National Guard is still struggling with the stated requirement to be an "operational force," even though it is neither funded nor provided the personnel to come close to achieving this status.

5. See Field Manual (FM) 3-11.22, *Weapons of Mass Destruction Civil Support Team Tactics, Techniques, and Procedures* (Washington, DC: U.S. Government Printing Office, 6 June 2003), 3-42: "To sustain extended operations, a deployed CST must receive additional logistical and personnel augmentation." FM 3-11.22, chapter 3, refers to the civil support team (CST) having the capability to conduct operations for 72 hours, depending on the number of hot-zone entries and the availability of logistical augmentation. A limited objective experiment on 72-hour operations was performed last year at the Maneuver Support Center. Previous CST exercises established that reinforcement is ideal at the 24-36 hour mark, given the limitations of an 8-man survey team, extended use of decontamination equipment, and federal safety regulations governing hazardous-material operations.

6. Many states have placed their CSTs under the day-to-day supervision of the state directorate of military support or J3 (operations), but some, such as Vermont, have kept their CST under the control of the troop command. The recent mobilization and deployment of key personnel has further reduced the operational oversight abilities of many joint forces headquarters.

7. National Guard Bureau-Directorate of Operations is currently exploring the possibility of seeking a change in the legislation establishing the CSTs in order to allow them to deploy outside the United States. CSTs are by law prevented from operating outside U.S. territory. They are even prohibited from conducting formal coordination and training with authorities in Canada and Mexico.

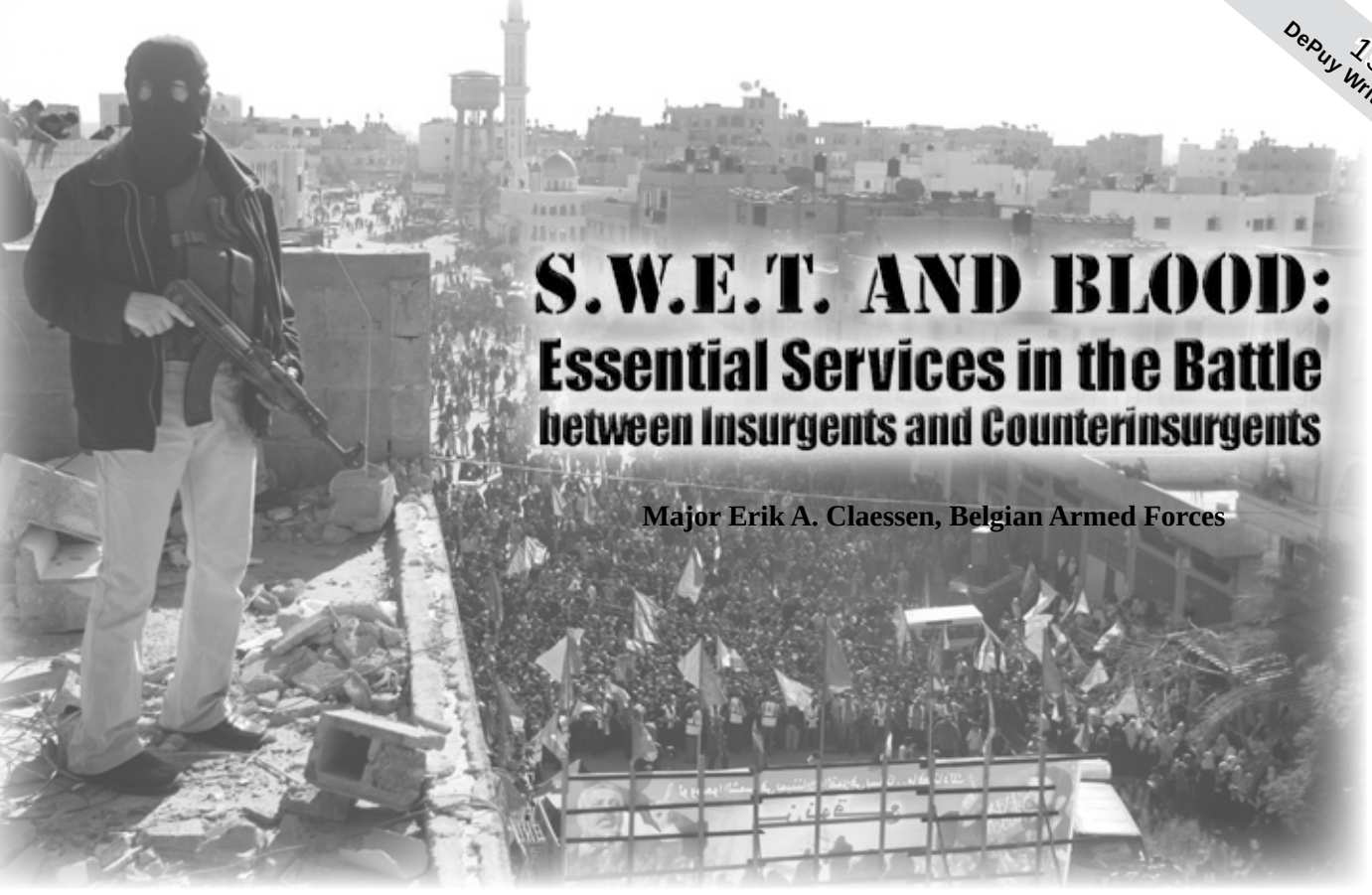
8. National Guard CERFPs (CBRNE [chemical, biological, radiological, nuclear, or high-yield explosive] enhanced response force packages) are also currently fielded one per FEMA region, and the CST brigade could also have a role in the leadership and management of these units.

9. FM 3-11.22, paragraphs B-7 through B-10.

10. See draft memorandum of agreement governing the 86th Infantry Brigade (Mountain), dated 28 June 2006. This brigade, still in the process of undergoing transformation, contains 3-172 Infantry (Mountain).

11. Fifth U.S. Army is responsible for conducting all biennial CST external evaluations and certifying newly formed teams. Fifth U.S. Army is designated the army force for U.S. Northern Command.

12. As commander of the 11th CST from 2003-2005, the author was part of the planning and decision process to implement these arrangements.



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DePuy Writing Competition

S.W.E.T. AND BLOOD:
Essential Services in the Battle between Insurgents and Counterinsurgents

Major Erik A. Claessen, Belgian Armed Forces

IN DECEMBER 2006, the U.S. Army published a new field manual, FM 3-24, *Counterinsurgency* (COIN). This FM identifies "the ability to generate and sustain popular support" as an insurgency's center of gravity.[1] Consequently, the FM emphasizes the importance of providing essential services (ES) to the population as a way to attack this center of gravity. To focus efforts concerning ES, the operational design for COIN includes a logical line of operation (LLO) dedicated entirely to the provision of ES (hereafter called LLO ES).

This article researches the characteristics of activities along LLO ES in the case of a particular type of insurgency that involves the Islamic religious duties of zakat and jihad. It defines what has been called zakat-jihad activism; analyzes it by using recent examples from Lebanon, the Palestinian Territories, and Iraq; and derives the most important implications for COIN operations along LLO ES. Finally, this article lists a number of precautions to take when conducting COIN operations along LLO ES against zakat-jihad activists.

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PHOTO: A Palestinian Hamas militant guards a Hamas rally marking the first anniversary of its election victory in the northern Gaza Strip, 26 January 2007. (REUTERS, Mohammed Salem)

LLO ES

By using zakat-jihad activism, Islamist insurgencies have seized the initiative along LLO ES and occupy a position of advantage that they defend against counterinsurgents. Hence, one must plan and execute COIN activities along this line as deliberate military operations against a capable and determined foe, not as unopposed activities.

The assumption that "people support the source that meets their needs" is the basis of LLO ES.[2] A good illustration of the validity of this assumption in Western culture is the change in attitude of the German population toward American and British occupation forces after the Berlin Airlift in 1948. Even

though the U.S. Air Force had carpet-bombed Berlin and destroyed it only three years earlier, the service had to task an officer to handle grateful Berliners who wanted to give the pilots gifts.[3]

The best example of the assumption's validity in Muslim culture is the success of militant movements like Palestine's Hamas and Lebanon's Hezbollah. These movements spend a large part of their resources on creating and maintaining infrastructure that provides ES to the populace. It is no wonder, therefore, that both organizations enjoy great support among the Palestinian people in particular, and Muslims in general.

That both movements originated under Israeli occupation is no coincidence. As a Western-style, technologically developed democracy, Israel combines conventional military strength with a political system subject to public scrutiny and the rule of law. On the one hand, the strength of the Israel Defense Forces (IDF) precludes any attempt to challenge Israel symmetrically. The Six Day War and the Yom Kippur War proved this convincingly.[4] On the other hand, public scrutiny and Israeli adherence to the rule of (international) law ensure that Israel will not, for example, bomb Hezbollah aid convoys or reconstruction projects, services that could be broadly construed as threats to Israel's future security. The Israeli withdrawals from South Lebanon in May 2000 and from the Gaza Strip in September 2005, forced in part because the people had been won over to the insurgent organizations' side by LLO ES, point to the success of Hamas's and Hezbollah's overall strategy.[5] This particular approach is zakat-jihad activism.

Zakat-Jihad Activism

According to Jonathan Benthall and Jérome Bellion-Jourdan, "*zakat* derives from the verb *zaka* which means to purify . . . The meaning is usually taken to be that by giving up a portion of one's wealth, one purifies that portion which remains, and also oneself, through a restraint on one's selfishness, greed and imperviousness to other's sufferings. The recipient, likewise, is purified from jealousy and hatred of the well-off."[6]

In the Sunni interpretation of the *Qur'an*, every Muslim should allocate 2.5 percent of his wealth to zakat per lunar year. In the Shi'a interpretation, this religious duty is more often referred to as *khums* ("one-fifth") because Shi'as calculate the sum to be paid as one-fifth of the increase of one's possession per lunar year. Eight classes of people benefit from zakat. They include primarily the poor, but also "those in the way of God, that is to say in jihad, teaching or fighting or in other duties assigned to them in God's cause."[7] Thus, activist Islamic organizations that provide ES and fight under the banner of jihad qualify to receive zakat.

All over the Islamic world, organizations collect Muslim donations and transfer them to other organizations that qualify to receive zakat. The strengths of the zakat concept are that those who receive money know they can always count on it, and the money comes with no strings attached. Moreover, there is nothing humiliating in accepting zakat because, by accepting it, one purifies another Muslim's money and soul. In all this, funds generated via zakat strongly differ from Western humanitarian aid. It is as if money from zakat has a cleaner color and odor. Additionally, organizations that qualify to receive zakat receive more than just a steady flow of clean money. Zakat is also a kind of quality label that gives the organization legitimacy.

ZJAIs

A zakat-jihad activist insurgency (ZJAI) generates popular support by establishing an unarmed infrastructure that provides essential services like sewage disposal, running water, electric power, and trash removal (SWET), as well as education, health care, and financial assistance to the needy. By the nature of their activities and by promoting an Islamic agenda, ZJAIs make sure they qualify for zakat. They may receive state funding, but a substantial part of their money comes from zakat, a circumstance that gives them a certain degree of independence from their state sponsors. Another advantage is that, because Muslims all over the world pay zakat, a ZJAI's financial base is much

A zakat-jihad activist insurgency (ZJAI) generates popular support by establishing an unarmed infrastructure that provides essential services…

broader than that of other insurgencies, especially those that collect revolutionary taxes from the local population or take a share of the farmers' crops to feed their troops.[8] Consequently, ZJAIs are an asset to, rather than a burden on, the local populace.

Along with their unarmed Islamic infrastructure, ZJAIs like Hamas and Hezbollah operate militant wings to conduct violent actions against counterinsurgents and rival organizations, all under the label of jihad. ZJAIs' organizational structure and the nature of their activities give them a decisive edge in wars against Western democratic opponents. Providing essential services to the local populace assures ZJAIs of popular support and qualifies them for zakat, while Western constraints on the use of violence protect the unarmed wing from attacks. Zakat qualification guarantees financial means, respectability, and legitimacy; popular support allows the fighters of the ZJAI's militant wing to blend in with the local population.

These characteristics combined make ZJAIs extremely resilient against clear-hold-build strategies, as Hamas's and Hezbollah's growth under Israeli occupation illustrates. According to FM 3-24, the successful execution of a clear-hold-build strategy demands the neutralization or elimination of the insurgent's organizational infrastructure.[9] In the case of a ZJAI, this is impossible because Western military constraints protect at least the ES side of the infrastructure.

Western governments adhere to international law; thus, they impose constraints on the use of force by their armed forces, and they do not limit such constraints to rules of engagement. Western armed forces are also hamstrung by the presence of the press, the (sometimes slanderous) campaigns of political activists, and government pressure to fit military operations into a political logic and timing.

In *Asymmetrical Warfare, Today's Challenge to U.S. Military Power*, Roger W. Barnett identifies the operational, organizational, legal, and moral constraints on counterinsurgent forces. According to Barnett, "no single constraint can be isolated as the cause of the problem [of Western armies' inability to respond effectively to asymmetric war]: the cumulative weight of all of them is what has become oppressive."[10] The omnipresence of the media is what makes it impossible to ignore constraints. Barnett holds that the "free, independent, burgeoning news media and the instantaneous transmission of information on a global basis . . . have a depressant effect on options to use force. The contemporary media tend to . . . reduce the time available for decision making, and bring the general public into all debates about the use of force."[11]

In practice, constraints preclude military actions against unarmed organizations. This means that contrary to the requirements of FM 3-24, the counterinsurgent cannot destroy the ZJAI's sociopolitical infrastructure in an area he has cleared of ZJAI fighters. The unarmed wing of the ZJAI is allowed to coexist with the counterinsurgent.

ZJAIs concentrate their efforts on gaining popular support before they start using violence. In doing so, they resemble Maoists. But in operating among the people, ZJAIs differ from Maoists, who establish bases in remote or inaccessible areas and primarily act in the periphery of their bases. "Guerilla warfare with no bases," says Mao Tse Tung, "is nothing but roving banditry; unable to maintain links with the population, it cannot develop and is bound to be defeated."[12] Not needing bases to develop and maintain a link with the population, ZJAIs don't need to run when the counterinsurgent establishes a solid presence in their base areas. There will never be a ZJAI "Long March."[13] Israel succeeded for decades in keeping the PLO on the run, chasing the organization successively to Jordan, Lebanon, and Tunisia. But Israel has never succeeded in chasing Hamas or Hezbollah out of their established areas. On the contrary, it has proved impossible for Israel to maintain its military presence in areas where these ZJAIs predominate, namely southern Lebanon and the Gaza Strip. Overall, zakat-jihad activism enables a population to refuse defeat despite the presence of a Western force that conducts stability operations.

Three ZJAIs

By delving more deeply into the two ZJAIs already mentioned, Hamas and Hezbollah, and a third, Muqtada Al-Sadr's Sadr II, an Iraqi Shi'a resistance movement, we can further our understanding of this challenging new phenomenon. The zakat-jihad activist character of these movements has been clearly documented in a variety of sources.

A 1993 Congressional Research Service Report about Hamas states: "It is generally known that the organization is structured along functional lines, with sections dedicated to military, religious, informational, and security activities . . . Hamas has maintained its status as a religious and charitable organization. Its involvement with educational and social activities qualifies Hamas to receive donations required by Islamic law from the Muslim community (zakat)."[14]

Similarly, in a study of Hezbollah, Judith Palmer-Harik writes, "In my interviews with Hezbollah officials, I discovered that the financial sources for the eight associations they run include contributions from Lebanese individuals, Hezbollah members, Iran (including charitable organizations) and donations that are part of Shi'ite religious obligations to provide a fifth of one's income to help those in need."[15] In an article for *Foreign Policy*, Melani Cammett describes the scope of Hezbollah's ES activities: "Over time, the organization took on schooling, healthcare, loans, and other forms of social assistance. Since 1988, Hezbollah has implemented more than 10,000 projects to promote agricultural development, build homes and businesses, and provide water, sewage, and electricity."[16]

Concerning the Sadr II movement, the Iraq Study Group Report declares that "several observers remarked to us that Sadr was following the model of Hezbollah in Lebanon: building a political party that controls basic services within the government and an armed militia outside of the government."[17]

An important characteristic of ZJAIs is the speed and aggressiveness with which they take the initiative along LLO ES. In a *Strategic Insights* article about the Sadr II movement, Timothy Haugh writes that "as U.S. tanks dashed across Iraq, Muqtada al-Sadr and his vanguard of like-minded clerics reactivated mosques, deployed a militia, assumed control of regional Ba'ath Party institutions, and prepared social services."[18] Writing in August 2003, Juan Cole said that "observers on the ground report that the Sadr Movement controls the major mosques, Shi'ite community centers, hospitals, and soup kitchens in East Baghdad, Kufa, and Samarra, and has a strong presence in Najaf, Karbala, and Basra, as well. It is highly networked, and its preachers have taken a strong rhetorical line against what they view as an Anglo-American occupation."[19]



AFP, Marwan Naamani

A Lebanese woman stands on the balcony of a building renovated by Hezbollah's reconstruction arm, Jihad al-Bina. The organization rebuilt Beirut's teeming southern suburbs after Israeli strikes in July 2006 destroyed or badly damaged nearly 300 multi-story buildings.

Hezbollah likewise took the forefront in rebuilding Lebanon after the latest Israeli invasion by starting reconstruction operations within hours after the IDF withdrew. *The New York Times* noted: "While the Israelis began their withdrawal, hundreds of Hezbollah members spread over dozens of villages across southern Lebanon began cleaning, organizing and surveying damage. Men on bulldozers were busy cutting lanes through giant piles of rubble. Roads blocked with the remnants of buildings are now, just a day after a cease-fire began, fully passable."[20]

ZJAIs aggressively take the initiative on the LLO ES and quickly occupy a position of advantage that gives them a decisive edge over any other power in the region in the creation of popular support. This is the ZJAI's attempt to protect its center of gravity. It is therefore a surprise to see that, time and again, Western intelligence agencies fail to pick up ZJAIs on their radar screens. As Haugh states, "[Muqtada al-Sadr's] rise to prominence within the Shi'a community largely went unnoticed by the United States government."[21] The same goes for Hamas and other ZJAIs. Palmer-Harik holds that "ironically, the Israelis themselves had nurtured fundamentalist groups like Islamic Jihad and Hamas by turning a blind eye to funds being sent from the Gulf area to the Islamists for the purpose of building mosques, sport clubs, and community centers."[22]

ZJAI Tactics

The real strength of ZJAIs becomes clear when one looks at their activities under military occupation by a much stronger opponent that tries to implement a clear-hold-build strategy. The provision of ES to the population in defiance of the counterinsurgent's military force is the core business of the ZJAI's unarmed sociopolitical wing. Because of the nature of their activities, they mobilize competent middle-class, middle-aged people (teachers, doctors, nurses, engineers) for a militant cause. Thus, they turn a society's most respected apolitical people into accomplices. The ZJAI gains a moderate, respectable image and effectively eliminates the stabilizing role that middle-class professionals normally play in a society. Thus, by providing essential services, the ZJAI acquires legitimacy, complicity, and public support. The latter provides the safe haven the militant wing of a ZJAI needs to restart fighter recruitment in cleared areas and to resume violent attacks.

The ZJAI approach also has advantages for information operations. ZJAIs can credibly state that their main activities are social and that they only conduct attacks in retaliation for counterinsurgent violence. Western information operations that brand these organizations as terrorist in nature are rejected because most ZJAI members work mainly to meet the needs of the populace.

Counterinsurgents are starting to understand the need to carry out activities along LLO ES. In an article in *Military Review*, Major General Peter Chiarelli identified the necessity of providing ES to the population.[23] When the counterinsurgent's area of operations includes a ZJAI, the two compete for the local population's allegiance. In other words, an unarmed battle ensues along LLO ES. If the ZJAI loses this battle, it loses its ability to generate and sustain popular support, its center of gravity. Therefore, it should come as no surprise that ZJAIs use a number of tactics to prevent this from happening. The most important tactics are—

- Get a head start.
- Appear to be clean in a corrupt environment.
- Co-opt relief efforts.
- Stand on the counterinsurgent's shoulders.
- Block the counterinsurgent's activities along LLO ES at the political level.

By far the simplest way to win the ES battle is to get a head start. The effect of relief efforts is greatest when people's need is most dire, when they are at the bottom of Maslow's pyramid.[24] People never forget who arrived first at the scene of a disaster and distributed a hot drink or a plastic sheet for shelter. We have already noted Al-Sadr's early actions to build an ES infrastructure and Hezbollah's haste to start reconstruction after the Israeli withdrawal from Lebanon last summer. Another example is the distribution of water to Iraqi citizens at checkpoints by British soldiers during Operation Telic (the British contribution to Operation Iraqi Freedom).[25] This act of good will prompted Iraqis to give the British intelligence that led to the arrest of "Chemical Ali."

When the counterinsurgent's area of operations includes a ZJAI, the two compete for the local population's allegiance.

By getting a head start, one side can climb the Maslow pyramid faster than its opponent does. FM 3-24 states that "the speed with which COIN operations are executed may determine their success and whether the populace supports them. This is especially true for operations that involve restoring essential services. Planners must strive to have the smallest possible gap of time between when they assess essential services and when U.S. forces begin remediation efforts."[26] Unfortunately, ZJAIs seem to understand this better than Western counterinsurgents do.

A second ZJAI tactic is to appear to be clean in a corrupt environment. Activities along LLO ES cost a lot of money, and this money has to pass through many different hands in a destitute area. The temptation to embezzle part of it is huge. It is therefore no surprise that embezzlement happens. After the Oslo Agreements, Israel and the international community embarked on a considerable investment program in the West Bank and the Gaza Strip (WBGS). The RAND Corporation cites corruption as one of the reasons why this program failed to diminish support for terrorism. RAND notes: "The Palestinian community has seen the implementation and completion of multiple social and economic development projects in the WBGS. Questions still remain, however,

as to the impact these projects have had on the daily life of the Palestinian population in the Occupied Territories, especially given *perceived corruption in the Palestinian Authority,* poorly conceived projects, unreliable funding, and the negative effects that Israeli closures have had on the overall Palestinian economy (italics added)."[27]

In fact, many observers hold that PLO corruption was one of the main causes of Hamas's victory in the January 2006 elections.[28] For its part, Hamas was scrupulous with funds and campaigned on its honesty. A ZJAI's clean image also has to do with the religious source of most of its funds. However, this is a double-edged sword. A corruption scandal with zakat funds could be disastrous for a ZJAI.

The third tactic is to take control of humanitarian assistance or to co-opt it. The ZJAI can coerce relief agencies into coordinating with it, thus creating the impression that the ZJAI organized the services that someone else provided. Hezbollah has done this in Lebanon: "Hezbollah has a standing membership in Lebanon's network of nongovernmental organizations, and throughout the conflict, its representatives participated in coordinating the relief effort."[29]

Another very effective way to compete with the counterinsurgent on LLO ES is to stand on his shoulders. When an insurgent uses this tactic, he creates the impression that what the counterinsurgent offers should be taken for granted, and that what he, the insurgent, provides is what really matters. In a *New York Times* interview, the comments of a Lebanese citizen, Ghaleb Jazi, showed concisely how this tactic works: "The government may do some work on bridges and roads, but when it comes to rebuilding houses, Hezbollah will have a big role to play."[30] Although work on roads and bridges does more to restart an independent economy and to increase people's self-reliance than house repair, repairing houses is what creates popular support. Westerners always try to reduce people's dependence on aid, whereas ZJAIs focus their LLO ES on providing assistance directly to the people. As a result, the people often perceive Westerners to be indirect and cold, and they associate ZJAIs with warmth and comfort. Moreover, the public's continued dependence on aid—on the ZJAI—is an advantage for the ZJAI, not a disadvantage.

Finally, whenever possible, ZJAIs will block the counterinsurgent's activities along LLO ES on the political level. The ZJAI's unarmed wing can participate in elections as a legitimate political party and occupy key functions in a transitional government. They can abuse this position by disrupting or blocking the counterinsurgent's ES program. In this way, the ZJAI consolidates its position of advantage on LLO ES. The Iraq Study Group Report declared that "a major attempt is underway to improve the capacity of [Iraq's] government bureaucracies at the national, regional, and provincial levels to provide services to the population as well as to select and manage infrastructure projects. The United States has people embedded in several Iraqi ministries, but it confronts problems with access and sustainability.



AFP, Mahmud Hams

Palestinian Prime Minister Ismail Haniya arrives in Gaza City following a tour of Arab countries and Iran, 14 December 2006. Haniya was stuck at the Gaza border after Israel closed a crossing to prevent him from bringing "tens of millions of dollars" into the impoverished coastal strip. The closure sparked the storming of the border terminal by dozens of armed Hamas gunmen.

Muqtada al-Sadr objects to the U.S. presence in Iraq, and therefore the ministries he controls—Health, Agriculture, and Transportation—will not work with Americans."[31]

Combined, the standard tactics ZJAIs employ make it almost impossible for counterinsurgents to win the LLO ES battle. Merely providing essential services in competition with the ZJAI's unarmed wing will not erode popular support for the insurgency. Counterinsurgents need to supplement their ES approach by attacking the ZJAI's critical vulnerabilities.

ZJAI Vulnerabilities

The ZJAI's most critical vulnerability is its need for a large flow of external funds, necessitated by the local population's inability to finance all of the infrastructure needed to provide ES. (The ZJAI also does not want to tap into local wealth, since this could create popular resentment rather than support.) The flow of zakat money between the source and its destination (the ES infrastructure), being copious, is relatively easy to detect. It is often also illicit, making it targetable by legal means before it reaches the ZJAI. Israel recently started to exploit this vulnerability by blocking money meant for Hamas. Simultaneously, the international community has cut off subsidies for the Palestinian Authority, which has been under Hamas's control since their victory in the January 2006 elections.

Perhaps the most visible instance of this counterinsurgent tactic occurred late last year on the Egypt-Gaza Strip border, when Israel refused access to Gaza to Palestinian Prime Minister Ismail Haniya, a member of Hamas, until he left behind the 35 million dollars in cash he was carrying.[32] Although it is too early to tell what the final outcome of such actions will be, cutting off Hamas's funding seems to have eroded popular support for this movement. The fact that Hamas describes Palestinian President Abbas's proposal to organize fresh elections as "tantamount to a coup" indicates that they fear their popularity has declined significantly.[33]

The ZJAI's most critical vulnerability is its need for a large flow of external funds…

ZJAIs are also vulnerable because they must sometimes compete with rival Islamic social movements. It would help the counterinsurgent greatly if humanitarian organizations loyal to his cause would qualify for zakat, especially those that provide close-in ES-like house repair and health care. However, this is particularly difficult in the clash-of-civilizations type of conflicts we are seeing in the Middle East.

The ZJAI's clean image is its last vulnerability. If you proudly wear a snow-white outfit, the slightest stain on it is visible to everyone. A corruption scandal within a ZJAI would cause a lot of damage. However, for the counterinsurgent to exploit this vulnerability, the ZJAI must first make a mistake, the counterinsurgent must then become aware of it, and finally the counterinsurgent's information operations campaign must be credible to the target audience. These three conditions make it very difficult to exploit this vulnerability. In short, in an area that is under the influence of a ZJAI, providing ES is a military operation against a capable and determined foe. It is a significant challenge, not an unopposed activity.

Summary

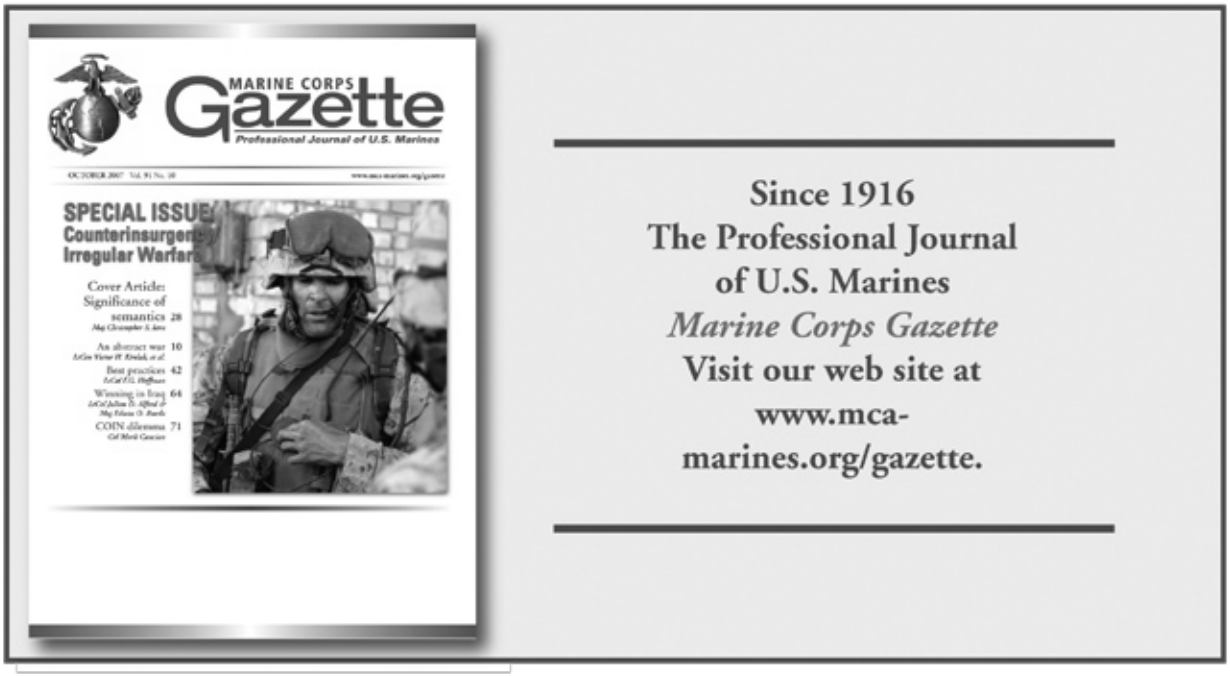
FM 3-24 rightfully emphasizes the importance of providing ES as a way to attack the insurgent's center of gravity, his need for popular support. However, this approach is neither new nor exclusively reserved for the counterinsurgent. Two can play that game. In the Middle East, a particular type of Islamic insurgency, the ZJAI, generates popular support by providing ES. Examples of ZJAIs are Hamas, Hezbollah, and Iraq's Sadr II movement. These organizations use zakat, the Islamic duty to help the poor, to finance their ES infrastructure. They know Western governments constrain their own militaries' use of force against noncombatants, and they count on these constraints to protect their unarmed organizations from deliberate military attack. At the same time, the Islamic duty of jihad allows them to recruit fighters. Finally, the popular support engendered by providing ES enables ZJAI fighters to blend in with the local populace.

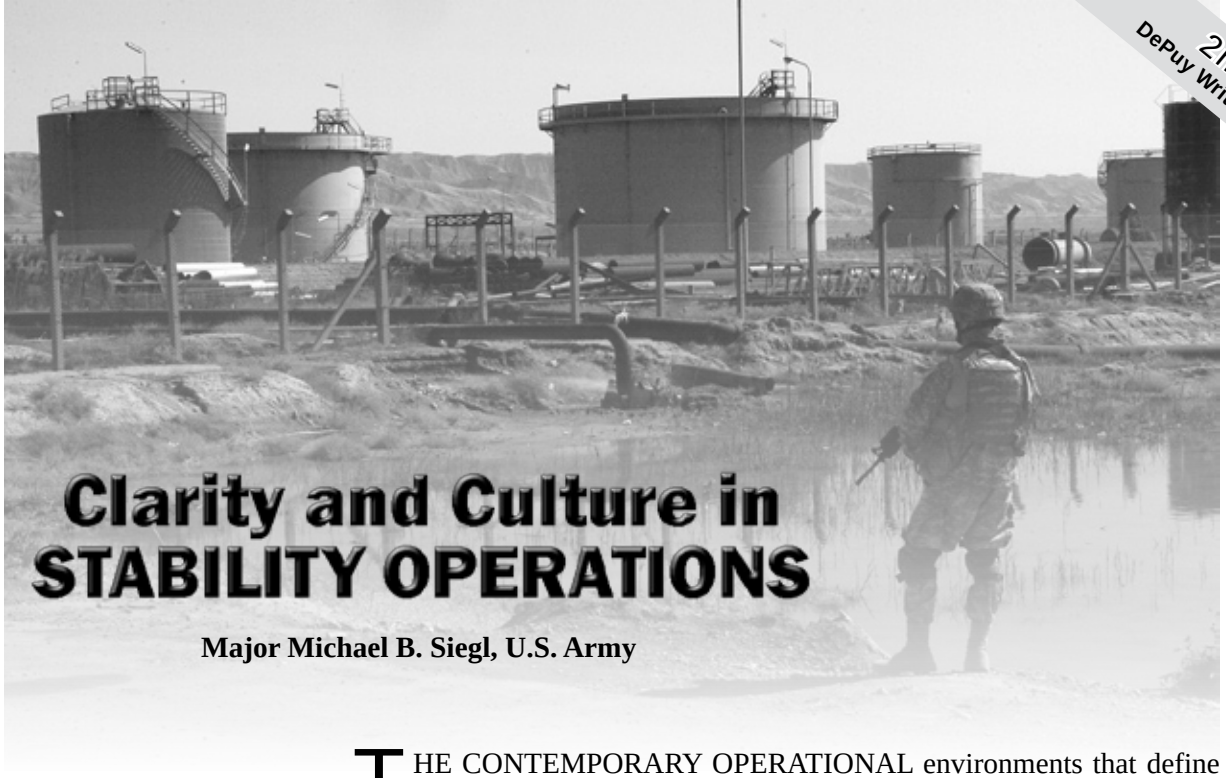
All these circumstances allow ZJAIs to coexist with much stronger military counterinsurgent forces. Moreover, because of the nature of their activities and their clever tactics, ZJAIs have the advantage when

it comes to generating popular support by providing ES. As such, classic clear-hold-build strategies are ineffective against them if they (the strategies) are not supplemented by operations that attack the critical vulnerabilities of the insurgent's unarmed organizations. Overall, if the counterinsurgent is to have any success against a zakat-jihad activist insurgency, he needs to execute the provision of ES to the local population as a military operation against a capable and determined foe, not as an unopposed activity. ***MR***

NOTES

1. FM 3-24, *Counterinsurgency* (Washington, DC: Government Printing Office, 15 December 2006), 3-13.
2. Ibid., 3-11.
3. D.M. Giangreco and Robert E. Griffin, "Grateful Berliners," The Truman Library, 1988, <www.trumanlibrary.org/whistlestop/BERLIN_A/GRATEFUL.HTM>.http://www.trumanlibrary.org/whistlestop/BERLIN_A/GRATEFUL.HTM
4. In 1967, the IDF defeated the armies of its Arab neighbors in six days and occupied the West Bank, the Gaza Strip, the Golan Heights, and the Sinai Desert. In 1973, the Egyptian and Syrian armies attacked the IDF on Yom Kippur. After some initial successes, they were defeated.
5. On 24 May 2000, Israel evacuated the security zone it had occupied in southern Lebanon since the 1982 Operation Peace for Galilee. On 12 September 2005, Israel evacuated the Gaza Strip, including a number of Jewish settlements. Both withdrawals occurred after years of unsuccessful counterinsurgency operations.
6. Jonathan Benthall and Jérome Bellion-Jourdan, *The Charitable Crescent, Politics of Aid in the Muslim World* (New York: I.B. Tauris & Co., 2003), 9.
7. Ibid., 10.
8. Samuel B. Griffith, *Mao Tse-tung on Guerrilla Warfare* (Quantico, VA: Department of the Navy, HQ USMC, 3 April 1989), 111.
9. FM 3-24, 5-18.
10. Roger W. Barnett, *Asymmetrical Warfare, Today's Challenge to U.S. Military Power* (Dulles, VA: Brassey's, 2003), 153.
11. Ibid., 52.
12. David Galula, *Counterinsurgency Warfare, Theory and Practice* (St. Petersburg, FL: Hailer Publishing, 2005), 49.
13. In 1933, Chiang Kai-Shek's troops methodically isolated and compressed the Communists' base area. When it became clear to the Communists that they could not prevent the occupation of this area, they decided to shift their base to Shensi Province. Communist troops marched 6,000 miles to this new base, a feat that became known as the "Long March" (Griffith, 18). The point for this article is that Maoists would rather walk 6,000 miles than coexist in the same area with the counterinsurgent. ZJAIs, on the contrary, are completely unimpressed by counterinsurgent occupation forces.
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16. Melani Cammett, "Habitat for Hezbollah," *Foreign Policy*, August 2006, <www.foreignpolicy.com/story/cms.php?story_id=3572>.
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18. Timothy Haugh, "The Sadr II Movement: An Organizational Fight for Legitimacy within the Iraqi Shi'a Community," *Strategic Insights* 4 (May 2005).
19. Juan Cole, "The United States and Shi'ite Religious Factions in Post-Ba'athist Iraq," *Middle East Journal* 57, no.4 (autumn 2003).
20. John Kifner, "Hezbollah Leads Work to Rebuild, Gaining Stature," *New York Times*, 16 August 2006.
21. Haugh.
22. Palmer-Harik, 25.
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25. Christopher James Bell, "Precision Minds: An Investigation into the Use of Information in Operational Decision Making and Learning," Master's thesis, 2005, p. 27, U.S. Army Command and General Staff College, Combined Arms Research Library, <http://cgsc.cdmhost.com/cgi-bin/showfile.exe?CISOROOT=/p4013coll2&CISOPTR=333>.
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29. Melani Cammett.
30. Kifner.
31. James A. Baker III and Lee H. Hamilton, 26.
32. "Gaza border shots 'targeted PM'," 15 December 2006, <http://news.bbc.co.uk/2/hi/middle_east/6181681.stm>.
33. Ibid.





2nd Place
DePuy Writing Competition

Clarity and Culture in STABILITY OPERATIONS

Major Michael B. Siegl, U.S. Army

The object of war is to attain a better peace… Hence it is essential to conduct war with constant regard to the peace you desire… If you concentrate exclusively on military victory, with no thought for the after-effect, it is almost certain that the peace will be a bad one, containing the germs of another war.[1]

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PHOTO: A U.S. Army Soldier from the 82d Airborne Division provides security for a meeting between officials at the fertilizer plant in Bayji, Iraq, 28 February 2007. (U.S. Army, SFC Robert C. Brogan)

THE CONTEMPORARY OPERATIONAL environments that define the current global geostrategic setting are dynamic and complex. Today, a confluence of "conditions, circumstances, and influences . . . affect the employment of military forces and bear on the decisions of the unit commander."[2] The deluge of mostly unanticipated destruction in the 21st century is a symptom of the fragile and volatile nature of the economic and sociopolitical structures in these interdependent operational environments. To come to grips with the complexity and uncertainty underlying today's operational environments, the Army must rise to a new level of competency. It must transform and change its physical structures, its cultural mind-set, and the types of missions it willingly accepts as part of its culture.

The Army currently is undergoing that process. Integral to these changes are the Army's doctrinal understanding and acceptance of counterinsurgency (COIN) operations. A similar process for stability operations should accompany such change to deal adequately with the threats, both physical and conceptual, that influence conditions faced today.

The purpose of stability operations is to "promote and sustain regional and global security" in order to advance U.S. national interests.[3] This goal is difficult to achieve in today's operational environments and will continue to be so. Unfortunately, Thomas Barnett's theory that "disconnectedness [from globalization] defines danger" anticipates greater U.S. military involvement—and hence more stability operations—across the globe.[4] Barnett claims that U.S. military intervention will be required in "gap" and "seam" states, since eliminating the threats originating from those regions is the surest way to ensure worldwide stability and security.[5] The Report of the National Intelligence Council's 2020 Project depicts a world with an "arc of instability spanning [the] Middle East, Asia, [and] Africa."[6] These regions roughly correspond to the areas covered by Barnett's gap and seam states. Robert Kaplan argues further that "criminal anarchy emerges as the real 'strategic' danger. [Criminal anarchy entails] disease, overpopulation, unprovoked crime, scarcity of resources . . . the empowerment of private armies . . . and international drug cartels," as well as a breakdown of the

state and a lack of integration in the global political and economic community.[7] This milieu requires the Army to engage not only military and insurgent forces, but to concentrate on economic, cultural, and sociopolitical structures and issues. Stability operations, in many circumstances, become the decisive operations. As FM 3-0 points out, the Army will be involved in stability operations "for the foreseeable future."[8] The Army particularly needs to clarify its terms of art while incorporating stability operations deeply in its mission culture as a continuum of goals fused with COIN activities.

Stability operations, in many circumstances, become the decisive operations.

Stability Operations Framework

The Army is a doctrine-based organization. Therefore, it relies on precise language to ensure a common understanding across the force. For example, tactical tasks with stipulative definitions such as "secure" and "clear" have very specific meanings; certain activities must take place and resources must be allocated to achieve those tasks. Precise language enhances the ability to define and articulate a problem and promotes a common understanding. Common understanding promotes unity of effort. Clear understanding of terms is necessary to meet the commander's intent and guidance and to achieve established goals.

Because of evolving doctrine, writers should synchronize manuals that address stability operations. Current experiences in Iraq have brought the terms "COIN" and "stability operations" into vogue. With the new emphasis on COIN, to include the publication of FM 3-24, *Counterinsurgency* (December 2006), common terms and concepts in COIN operations have been broadly disseminated. However, it is likely that Army personnel are less aware of what constitutes stability operations. In part, this is a reflection of the word "stability." Because people can define stability in a general sense, preconceived ideas conjured up by the word obscure a precise understanding of stability operations. There is a similar problem with using the term "peace operations," which connotes activities in a non-threatening environment. However, peace-enforcement operations, a subset of peace operations under stability operations, require the threat or use of force; violence is, in fact, an integral facet of peace operations. Because such terms often carry implicit meaning, synchronization will help avoid cloudy thinking and misunderstandings.

While FM 3-24 has provided a comprehensive framework for COIN operations, it has not resolved the lack of clarity in the relationship between COIN and stability operations. The manual defines COIN as "a combination of offensive, defensive, and stability operations."[9] This arrangement implies that COIN comprises full-spectrum operations, of which stability operations is a subset. The manual then describes stability operations as activities concerned with civil security, civil control, essential services, governance, and economic and infrastructure development. This list does not, however, match the stability operations activities listed in FM 3-0, *Operations* (June 2001), and FM 3-07, *Stability Operations and Support Operations* (February 2003). While both these manuals are undergoing revision, they are still current and break down stability operations into 10 wide-ranging categories (see table).[10]

Furthermore, FM 3-07 discusses COIN under its chapter on foreign internal defense, a subset of stability operations. Adding to the complexity is joint doctrine. Joint Publication 3-0, *Joint Operations*, lists COIN as a type of military operation (along with combating terrorism, support to insurgency, and peace operations) that in Army doctrine falls under stability operations.[11]

Whether COIN is a subset of stability operations or vice versa is not the main issue. The issue is the need for clarity in doctrine and terminology. Such clarity will give personnel a common framework to identify and define problems, discuss issues and procedures, and develop solutions. Clarity is all the

Common understanding promotes unity of effort.

Types of Military Operations	OFFENSE	DEFENSE	STABILITY	SUPPORT
Types of Stability Operations and their Subordinate Forms	**Peace Operations** • Peacekeeping • Peace Enforcement • Operations in Support of Diplomatic Efforts **Foreign Internal Defense** • Indirect Support • Direct Support • Combat Operations **Security Assistance** **Humanitarian and Civic Assistance** **Support to Insurgencies** • Unconventional Warfare • Conventional Combat Actions **Support to Counterdrug Operations** • Detection and Monitoring • Host-Nation Support • C4 • Intelligence, Planning, CSS, Training, and Manpower Support • Reconnaissance		**Combatting Terrorism** • Antiterrorism • Counterterrorism **Noncombatant Evacuation Operations** **Arms Control** • Inspection • Protection • Destruction **Show of Force** • Increased Force Visibility • Exercises and Demonstration	

Stability operations table.

more important in joint, interagency, and combined environments. Without agreed-upon doctrinal terms, there is too much room for interpretation and misunderstanding.

Doctrine should serve as a descriptive guide that may provide some insights into the diverse circumstances one faces in war. However, doctrine cannot be prescriptive today because it cannot accurately reflect the evolving chaotic, nonlinear operational environment. Visualization and assessment are needed to understand the complex environment in which operations will take place. Within the doctrinal framework, visualization and assessment processes should help commanders formulate plans matching the circumstances of a particular environment. While current doctrine labels stability operations as phase IV of a campaign, such a linear, time-phased concept may be inappropriate, especially if one is to conduct war with constant regard for the desired peace. According to Department of Defense (DOD) Directive 3000.05, "Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations," "Military plans shall address stability operations requirements throughout all phases of an operation."[12] Therefore, the idea that there will be no phase IV without completing phase III (dominate offensive operations) is anachronistic.

In an Army culture that is action-oriented and formed around conventional ideas of warfare, it will be tempting to focus on the combat aspects of COIN rather than the developmental aspects of stability operations. This action-oriented culture has been instrumental to the Army's success. Yet it often overshadows the need to assess and understand before undertaking an activity or operation. Too often the first question is about what should be done rather than the nature of the problem. Skipping proper analysis can lead to rushing in with perceived solutions that have detrimental effects.

James Q. Wilson notes that an organization "will be poorly adapted to perform tasks that are not defined as part of [its] culture."[13] Tasks under stability operations include helping rebuild indigenous institutions, including the various types of security forces, correctional facilities, and judicial systems necessary to secure and stabilize the environment; reviving or building the private sector, including encouraging citizen-driven, bottom-up economic activity and constructing necessary infrastructure; and assisting in the development of representative governmental institutions.[14] One could argue that many of the tasks the Army currently trains for, like helping train security forces, are also stability operations activities. On the other hand, stability

operations tasks expand into the economic and political realms, which current Army training does not adequately address.

Again, one could argue that economics and politics are primarily civilian responsibilities. Nevertheless, experience in Iraq shows that combat units (not just civil affairs units) have had to establish economic markets, organize elections, and conduct a whole host of other tasks not considered military at the time. More critical than the training required is the mind-set of Army personnel in accepting stability operations as core Army tasks. While there is a lot of emphasis on stability operations right now, the real test will come after Iraq and Afghanistan. If the Army is going to conduct stability operations as an integral part of full-spectrum operations, leaders should embrace stability tasks as part of the organization's culture. Because culture is like personality, it can be a difficult and time-consuming endeavor to change it, or more appropriately, for it to evolve. Army personnel will revert to tasks they are most comfortable executing if they do not consider stability operations activities as core mission responsibilities.

The Army clearly has recognized the importance of stability operations, at least in its doctrine. The Army's approach to attaining a better peace is to execute stability operations within the larger framework of full-spectrum operations. Field manuals 3-0 and 3-07 provide the current doctrinal foundation. In these sources, stability operations embody multifaceted tasks, potentially simultaneous and overlapping, that may occur before, during, and after offensive and defensive operations. As aforementioned, these tasks are arranged in 10 categories under stability operations, as stipulated in FMs 3-0 and 3-7. By executing them, the Army works to "promote and protect U.S. national interests by influencing the threat, political, and informational dimensions of the operational environment."[15] In current doctrine, stability operations incorporate both lethal and nonlethal means. Stability operations are therefore critical military activities working to promote security and establish or restore a semblance of normalcy to the local populace.

DOD Directive 3000.05 reinforces the importance of stability operations by establishing those operations as a core U.S. military mission that "shall be given priority comparable to combat operations."[16] The directive defines stability operations as "military and civilian activities conducted across the spectrum from peace to conflict to establish or maintain order in states and regions."[17] It recognizes that an integrated civilian and military effort can best accomplish many stability operations tasks. However, it also directs that U.S. military forces "be prepared to perform all tasks necessary to establish or maintain order when civilians cannot do so."[18] Additionally, the directive describes broad parameters for stability operations. The near-term goal of stability operations is to "provide the local populace with security, restore essential services, and meet humanitarian needs. The long-term goal is to help develop indigenous capacity for securing essential services, a viable market economy, rule of law, democratic institutions, and a robust civil society."[19] Efforts to achieve these goals require that stability operations plans be comprehensive and take a multidimensional approach that considers social, cultural, political, economic, military, and informational elements. In its extreme, stability operations means nation-building, a context within which common guidelines for operations would be useful for achieving the stated goals.

Problem Definition

The way one describes a problem will bias the options and ultimate choices available for solving it. The description can limit the range of alternatives one considers. Problem description requires identifying the underlying cause and not just the visible symptoms.[20] Field Manual 3-24 defines "planning" as problem solving and "design" as problem setting.[21] Specifically, "design provides a means to conceptualize and hypothesize about the underlying causes and dynamics that explain an unfamiliar problem … and [offers] insights towards achieving a workable solution."[22] While one often needs to address the symptoms of problems, focusing on them can lead to erroneous conclusions and

The way one describes a problem will bias the options and ultimate choices available for solving it.

improper solutions.[23] Design relates to the visualization and assessment processes that allow leaders to arrive at an awareness of the context of the situation. It prompts initial understanding of the problem.

One should avoid common pitfalls in problem definition. First, planners tend to embed implicit solutions within the problem definition.[24] For example, one may state that we don't have enough troops to defeat the insurgents. Stating so may imply the solution is more troops. Embedded logic can inhibit the development of solutions that prevent people from becoming insurgents in the first place. A second pitfall is including a diagnosis of the causes of the problem in the definition.[25] One accepts a causal relationship before conducting a thorough analysis of the problem. For example, one may say that poverty and economic deprivation lead people to terrorism. A large number of terrorists are economically depressed people; however, many terrorists, especially leaders, come from the progressive sectors of their society, hold advanced educational degrees, have deep ties to their communities, and maintain broad networks.[26] The political situation tends to motivate them more than economic circumstances. Overlooking this dichotomy between followers and leaders can significantly affect the development of strategies aimed at defeating terrorists and insurgents.

In summary, problem identification and definition are critical aspects of stability operations. Identifying and defining the threats in the operational environment beyond just the physical forces of insurgents and terrorists can broaden the number of options and solutions the Army develops. It is likely that in both COIN and stability operations, the need to address local security problems and political and socioeconomic issues will outweigh the need for direct action against insurgents and terrorists. The question planners and decision makers should answer is whether insurgents and terrorists are the problem or symptoms of a problem. The answer will provide the basis for developing strategies to solve the problem.

Considerations for Stability Operations

Using historical events and analogies to determine blanket solutions for current conditions can be problematic. It is extremely unlikely that the variables comprising one situation will be the same in another. Furthermore, the interaction of those variables is so random and complex it makes outcomes unpredictable. Initial variables and the outcomes they produce change the environment they operate in and change themselves in the process. A simple example is the learn-and-adapt process occurring in Iraq. Both the insurgents and the Army have changed organizationally and conceptually (e.g., the Army to COIN) because of their interactions. Just the infusion of these two variables into Iraqi society has changed the operational environment. The two variables affect the local populace's behavior, and the behavior of the latter affects how insurgents and Soldiers operate and behave. In sum, the inputs of the variables in complex systems will not produce the sum of those variables; therefore, any strategy based on historical analogy will be inherently problematic.

The question planners and decision makers should answer is whether insurgents and terrorists are the problem or symptoms of a problem.

This lack of historical correspondence echoes Clausewitz's point on the unpredictability of war. No matter how well intentioned and targeted they are, interventions will have unanticipated effects. Intervening in a complex system (a society or nation) through any operation (stability operations) will create multiple changes and new challenges. Intervention planners must account for the unintended side effects that stability operations can create.

Field Manual 3-24 discusses the use of logical lines of operations (LLOs) in COIN. These include combat operations/civil security operations, host nation security forces, essential services, governance, and economic development.[27] Underlying these LLOs are information operations (IO), which continue until the completion of operations. These LLOs are interconnected, and they must be synchronized to achieve the desired end state. Not surprisingly, the LLOs are similar to the short-term and long-term goals of stability operations that DOD Directive 3000.05 outlines. They provide a basis

for a plan that accounts for and deals with evolving challenges as much as possible.

This unpredictability should not discourage planners from using history to help deal with new situations. However, one should be cautious when applying historical examples and analogies to current situations. "History," as Mark Twain opined, "does not repeat, but it does rhyme." Events in history are like snowflakes that look remarkably the same until one examines them closely. Still, as Richard Neustadt and Ernest May point out, "Past conditions can offer clues to future possibilities."[28] Planners who can assess a situation in detail and determine its likenesses and differences to other, similar historical events can make use of history.[29] By studying the historical development of current events, they can gain a more comprehensive understanding of the problems posed by stability operations. No event develops in isolation. Looking at an event as a continuation of previous interactions provides clues to understanding the true nature of a problem.

As an example, Neustadt and May offer insight derived from viewing the Marshall Plan as an event in a stream of time. "Sensing that the present was alive with change, they [the Marshall Plan's conceivers] knew the past would be outmoded by a future that had never been. But their image of that future could be realistic because informed by understanding of its sources in the past . . . similarly informed, could be their sense of how much care and effort it would take to shape the future as desired, how crucial therefore to survey the obstacles and count the costs beforehand."[30] Understanding the historical context of a current situation or problem and determining the cost of taking action on it are critical to stability operations.

Stability operations require interactions with local populations that create a level of trust and credibility. But frequent interactions have great potential for estrangement and conflict if cultural understanding is low among Soldiers. Cultural misunderstandings can jeopardize a mission and ultimately result in disaster. Use of culturally meaningful language and symbols and references to historical events can be powerful IO enablers that convey meaningful messages to a particular population.

Environments in which tribal divisions prevail are a case in point. As Ben Connable points out about tribal groupings, "People group together to survive, to protect each other [and] an attack on one is an attack on all."[31] In many developing nations, a harsh environment has forced the formation of clans and tribes. Operational environments with tribal divisions can dictate the local framework for authority and legitimacy as people develop mechanisms and structures for survival. Knowledge of historical events with these conditions becomes especially critical in pursuing successful stability operations.

Lawrence Rosen provides an extremely insightful look at a pertinent example of tribal division: Arab culture.[32] Rosen believes that an Arab person's individual identity relies on relationships.[33] Similarly, Rosen claims that the legitimacy of political institutions is tied to the individuals in office (bound by their obligations and relationships) and not to the institutions themselves.[34] Individuals develop relationships through "an unending process of interaction and obligation . . . [and these] relationships . . . grant some measure of predictability in a constantly fluctuating world."[35] Social consequence outweighs individual failings. Therefore, what Americans may consider hypocrisy when Arabs attempt to "hide their sins" may be, in reality, a reflection of the cultural belief that "actions harming the social order are more dangerous than personal failings to a community of believers."[36] Understanding an individual comes from knowing the person's history, and specifically the relationships that the person has or may have had.

Neustadt and May advocate what they call "placement," a process that uses historical information about a person to enable a more sophisticated analysis of the person's outlook and perspective.[37]

Use of culturally meaningful language and symbols and references to historical events can be powerful IO enablers that convey meaningful messages to a particular population.



U.S. Army, SPC Kieran Cuddihy

U.S. Army Soldiers and U.S. Marines attached to 2d Battalion, 5th Marine Regiment, Civil Affairs Group, share a meal with local government officials, Iraqi Army, and Iraqi police in Ramadi, Iraq, 17 September 2007.

An Arab person's ability to create obligations (in some cases through bribery) is fundamental to his establishing relationships and therefore fundamental to him as an individual.[38] The implication for stability operations is that dealing with an Arab individual also means dealing with the web of obligations and relationships that Arab is enmeshed in. Not allowing individuals to act in a manner that develops obligations destabilizes that society. This interference will counteract efforts aimed at attaining operational goals.

Stability operations require that the local people view the intervention as legitimate. Their idea of legitimacy may differ from ours and others in the world community. Establishing legitimate government institutions in Arab countries will depend on which individuals occupy government offices. Planners should pay particular attention to this, and to Arab culture and local traditions in general, when trying to establish legitimate governments.

Securing victories. In designing stability operations, planners should identify potential opportunities to secure early short-term victories. What constitutes a victory will depend on the circumstances. For instance, an early short-term victory could be restoring electricity to the local tribal leader's home. Such victories build confidence within the operating force and the local population.[39] Most of these victories will be relatively easy to achieve, and they will provide traction for gaining the initiative that is essential to stability operations. Subsequently sustaining the initiative will depend on the ability to articulate clear goals and objectives that can produce measurable results. Setting and articulating realistic expectations early is essential to managing the behavior of the local population.

Minority rights. The issue of minority rights in societies divided along religious, ethnic, racial, and/or tribal lines can be inflammatory. Ted Gurr argues that "if minority peoples who constitute a majority in one region of a heterogeneous state have the right to protect and promote their collective interests, they also have a claim to local or regional self-governance within existing international boundaries."[40] He claims that minority efforts to achieve self-determination and institutional protection usually result in the transfer of power away from the central government and a revision of political boundaries within the existing state.[41] The critical task for the sake of stability is to ensure the majority recognize

the collective rights of the minority by bringing the latter into the political process in an environment that includes institutional protections. Ethnic protests within the political process may increase. However, this is an expected part of the democratic process.[42] Overall, political pluralism may help manage ethnic conflict and violence.

Stephen Biddle describes Iraq as a civil war divided along communal and religious affiliations (Sunni and Shi'a).[43] Because the United States supports a government led by the majority Shi'a group, it has had a difficult time gaining the trust of the minority Sunni faction. This issue is extremely important when one considers that the legitimacy of any intervening force can be a strategic center of gravity. During stability operations, planners should consider the possibility of establishing autonomous regions for each group.

Market economy. Especially within ethnically divided states, promoting a market economy requires much thought and deliberation. Amy Chua has written that "[ethnic] divisions bear a distinctive and potentially subversive relationship to the project of marketization and democratization . . . Marketization is often destabilizing, fermenting ethnic envy and hatred . . ."[44] Planners must be aware that any market-economy initiatives might damage social equity and exacerbate ethnic tensions. They should also understand that, early on, the new market environment has to include a governmental process that allows marginalized players to redress their grievances in lieu of resorting to violence.

Application of Stability Operations

In an exercise conducted at the U.S. Army Command and General Staff College at Fort Leavenworth, Kansas, students war-gamed a scenario that required them to develop a plan for stability operations (after phase III) in Azerbaijan. At issue were insurgent forces known as SAPA, the military wing of a political organization called SAPP. Some students wanted to act directly against the insurgents while conducting the reconstruction efforts required by stability operations. Other students, however, determined that SAPA was only a symptom of SAPP's inability to participate in what it perceived to be a legitimate political process and legitimate elections. They arrived at this conclusion by studying the historical development of SAPA and SAPP. The question they asked was not how to eliminate the SAPA forces, but how and why SAPA had developed and what events had led to the insurgency. Armed with information that helped them understand the nature of the problem, they developed a plan that revolved around bringing the members of SAPP back into the political process.

In this exercise, tribal and clan relationships formed the basis of individual identity. SAPA had strong ties to the local population in Bilesuvar province. Since they were an integral part of that population, targeting the insurgents meant creating enemies out of those linked to them by tribal and clan associations. American forces faced a similar situation in Somalia when attempting to target General Aideed: Somali culture demanded that clan members and allies rally to Aideed's defense. To say the least, American insensitivity to tribal connections led to unanticipated reactions.

The students decided that negotiating with SAPP to bring them back into the political process would also help deal with SAPA's insurgents. Providing SAPP an opportunity to participate in local governance undermined the insurgents' IO campaign. Additionally, as a condition before receiving local governance authority and to some extent regional autonomy, SAPP had to reign in the SAPA insurgents. One may question whether military forces should take such political actions, but in the absence of an effective government, the military might be forced to act (e.g., the 101st Airborne Division in the Mosul area, as detailed in the Harvard case study titled "The Accidental Statesman: General Petraeus and the City of Mosul, Iraq.")[45]

One question facing the "negotiate first" students was to what extent the Azerbaijani Government would allow regional autonomy. With the end of phase III, the students determined there was a window of opportunity to force the government to agree to elections monitored by a third party with representatives from each of the tribal regions. Historical study showed that the government had stayed in power through corruption and fixed elections; it had little physical capability to enforce the rule of law in Bilesuvar. Thus, the opportunity was available for the United States to force all parties to the negotiation table.

The negotiating students also determined that an IO campaign attempting to solidify the U.S. military's legitimacy based on ties to the Azerbaijani Government actually undermined the U.S. position in Bilesuvar. Since the insurgency had developed because the people in Bilesuvar had come to believe that the national government was illegitimate, aligning U.S. forces with the government would only antagonize the locals.

This example highlights the complexity of stability operations. While circumstances will help dictate the plan and strategy adopted, it is important to evaluate the complete range of options and solutions after having identified the problem. The problem may evolve because of changes brought about by intervening forces, but understanding the context of the situation is critical to adapting successful solutions. In most cases, stability operations will enable operators to manage, though not solve, socioeconomic and political issues. Still, stability operations should help create conditions that allow the indigenous government to address those issues in relative stability.

Conclusion

Stability operations will continue to be an integral part of full-spectrum operations. The nature of the operational environment and evolving threats will ensure the Army remains engaged in stability and COIN operations. Doctrine writers should synchronize Army doctrine to provide clarity to those who must execute stability operations. Clarity, in turn, will help ensure that planners design stability operations in proper context and within a framework that is common across the force. The Army should also incorporate stability operations tasks among its core missions and, to reinforce competency, should adopt stability operations as part of its culture. Stability operations planners must take a multipronged approach and consider objectives and actions on a continuum of short- to long-term goals. Those planning and executing these goals have to be sensitive to the cultural realities in the areas of operations. Ultimately, for the Army to remain relevant and ready for any future contingency, it should be fully competent in stability operations. ***MR***

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2nd Place
MacArthur Writing Contest





BECOMING AN ADAPTIVE LEADER

Major Harold H. Whiffen, U.S. Army

MANY ARMY OFFICERS know the story of Lieutenant Colonel Nate Sassaman. Even if they do not recognize his name, they probably remember a *New York Times* article about him, "The Fall of the Warrior King," which tells how Sassaman, a rising star in the Army officer corps, resigned after Soldiers under his command pushed two Iraqi civilians into the Tigris River for violating a local curfew.[1] One of the Iraqi civilians survived; the other either drowned or escaped and went into hiding. When Sassaman learned of the incident and its impending investigation, he suggested to his subordinates that they tell investigators the entire story of their detention of the Iraqi civilians, except for the part where the Soldiers pushed the Iraqi civilians into the Tigris River. Army investigators eventually uncovered the entire scheme. Several Soldiers were punished, and others, including Sassaman, left the Army.

This is not the only example of leadership failure in Iraq. Others include the widely publicized Abu Ghraib prisoner-abuse scandal and reports of unnecessary killing of civilians or the unjustified destruction of private property. These were isolated incidents, but students of military leadership must question what causes military leaders, especially proven ones like Sassaman, to foster a command climate that supports illegal acts and endorses unethical behavior that clearly runs counter to Army values.

Sassaman was respected by senior officers and reportedly idolized by subordinates.[2] To have been selected for battalion command, he must have excelled as a company commander and a staff officer. He had completed all requisite training and education the Army deems necessary for one to command an infantry battalion of nearly 800 Soldiers. Like many of his peers, however, he had spent most of his career preparing to fight a large-scale linear battle against well-equipped armies, and had little, if any, training on counterinsurgency; the Army had shelved its counterinsurgency doctrine and training after the Vietnam War. Nevertheless, Sassaman's 1st Battalion, 8th Infantry, was part of a larger force that became a major player in the counterinsurgency fight that broke out shortly after U.S. forces occupied Baghdad. Some Army leaders adapted well to the counterinsurgency fight. Others, like Sassaman, maintained a kinetic-operations mind-set in a world that needed nation-building and peacekeeping operations. Like other recent

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PHOTOS: (left) Circa 2001, mechanized forces maneuver during a field training exercise at the National Training Center, Fort Irwin, California. (right) In 2006, Soldiers from 1st Brigade, 3d Infantry Division, protect the front gate of mock Forward Operating Base Dallas from simulated rioters during a mission readiness exercise at Fort Stewart, Georgia in preparation for an upcoming deployment to Iraq. (U.S. Army, MSG Johancharles Van Boers)

leadership failures in the Army, Sassaman's failure was a result of his inability to adapt to the changing battlefield in Iraq. His story illustrates why military leaders need to practice adaptive leadership to succeed in the challenging contemporary operating environment.

Adaptive Leadership

To understand a military leader's failure to adapt in unfamiliar circumstances, we ought to first define adaptive leadership. The Merriam-Webster Dictionary defines "adapt" as "to make fit (as for a specific new use or situation), often by modification."[3] Thus, in its essence, adaptive leadership is the ability to modify individual and collective actions based on circumstances. In his study, *Developing Adaptive Leaders: The Crucible Experience of Operation Iraqi Freedom,* Leonard Wong tells us: "Adaptive leaders learn to live with unpredictability. They spend less time fretting about the inability to establish a routine or control the future and focus more on exploiting opportunities."[4] In other words, the recipe for success in stability operations depends upon embracing the possibilities created by the changing environment.

This focus on exploiting opportunities seems to run counter to such formulas as the Army's military decision-making process and troop leading procedures. Army leaders are quick to reach for a field manual (FM) or Army regulation to learn the next step to take in any set of circumstances, and the canon of Army literature does an outstanding job guiding them in the familiar actions of preparing for combat. Any Soldier, from a private to a general, can grab a manual and read what is required for success on tasks ranging from physical fitness to rifle marksmanship. But during the early phases of Operation Iraqi Freedom (OIF), there was no manual on how to conduct a counterinsurgency campaign and no metrics to gauge success.

In the absence of experience and doctrine, commanders struggled to find a way to measure progress during OIF. They used reports of the number of killed insurgents, captured weapons, and houses cleared, and even resorted to diligently charting the murder rate in Iraqi cities. Today, commanders like Sassaman continue to struggle to find the right formula for success. However, when given the option of adapting or maintaining their mental status quo, many leaders choose the latter with no hesitation, and often with negative results.

While authors like Wong have highlighted the necessity for adaptive leadership in the Army, the 1999 edition of FM 22-100, *Army Leadership*, uses the word "adapt" only 6 times in its entire 278 pages.[5] The FM implies that such flexibility is important, but with so little discussion devoted to the topic, we should not be surprised that Army officers fail to associate the term with success in military leadership.

Fortunately, some Army leaders noted the absence of the concept of adaptive leadership in Army doctrine. In the wake of significant change and restructure in the Army, a team was devoted to the rewriting of FM 7-0, *Training the Force,* and FM 6-22, *Army Leadership*.[6] The revision to FM 7-0 changed one of the training principles from "Train and Develop Leaders" to "Train Adaptive Leaders and Units."[7] Furthermore, a section titled "Tools for Adaptability" was included in FM 6-22.[8] These changes imply that Army leaders should adapt as their organizations' peacetime and wartime missions change and, arguably most important, they should train and mentor subordinates to be flexible, or as the proposed revision to FM 7-0 states, "Train leaders how to think, not what to think."[9]

Critical Components of Adaptive Leadership

To be adaptive and train others to be so as well, leaders must understand the fundamental tenets of adaptive leadership. According to FM 6-22, an adaptable leader has the ability to "recognize changes in the environment, identify the critical elements of the new situation, and trigger changes accordingly to meet new requirements."[10] These three components are simple and straightforward; in fact, the entire concept appears to be almost a given at first glance. Yet, the ability to practice it

…with so little discussion devoted to …[adaptive leadership]…we should not be surprised that Army officers fail to associate the term with success in military leadership.

consists of more art than science. To understand adaptive leadership, we need to explore each of these components.

Recognizing change. FM 6-22 states, "Leaders must be particularly observant for evidence that the environment has changed in unexpected ways."[11] In our daily lives, we often fail to notice subtle changes around us. We may not notice that the tree in front of our headquarters was trimmed or that our spouse rearranged the pictures in the hallway. These examples demonstrate how easily we can fail to notice unexpected changes. On the other hand, we are quick to observe expected changes. If we tell the Sergeant Major to ensure the motor pool is clean for the commanding general's visit, we will be quick to notice his compliance to the order and even quicker to notice his noncompliance. Thus, to be adaptive leaders, we should train ourselves to look for unexpected changes.

To this end, we need to challenge our preconceived notions. For example, most Army officers have the opportunity to test their concept of operational art when they try to envision the enemy's actions in a war game. Young officers often expect an enemy tank platoon to fight just like their own platoon fights. They quickly learn that this assumption is not valid after their first encounter with the opposing force. They have to adapt to "think like the enemy."[12]

In addition to challenging our assumptions, we should seek out "situations that are novel and unfamiliar."[13] As company commanders, many of us never experienced convoy live-fire training without excessive control measures. In the 1990s, commanders were so risk averse that they were reluctant to conduct realistic training. When we attempted scenarios with live ammunition, training control measures made injuries unlikely, but at the same time, there was little value in the training beyond the opportunity to improve one's marksmanship skills. Now operations in Iraq and Afghanistan have made the Army more willing to conduct the type of training that takes Soldiers outside of their comfort zone and forces them to recognize and adapt to new situations.

In preparation for operations in Iraq, Sassaman's battalion participated in a rotation at the National Training Center where it fought a conventional opposing force.[14] The staff spent countless hours planning for engagements with massed armored formations much like the battles in Operation Desert Storm a decade earlier. Those engagements did take place in the initial phases of OIF, but the situation had changed by the time Sassaman arrived. Lieutenant General Ricardo Sanchez summarized the problem in June 2004: "In May 2003, the general attitude was that the war was over. But within a matter of days, we began to realize that the enemy was still out there."[15] The enemy was there; however, it was not the conventional enemy that U.S. units had prepared to fight. Sassaman and others knew this, but they did not recognize the need to change their tactics.

In all fairness, when he learned of the change, Sassaman probably conducted training for operations in urban environments and explored the ramifications of occupying a country with a foreign and ancient culture, but he admittedly was not prepared to conduct counterinsurgency missions. He once remarked that he wished "there were more people who knew about nation-building."[16] In his favor, he successfully organized a city council and conducted elections.[17] He clearly made a concerted effort to eliminate insurgents in a region troubled with Sunni and Shi'a violence. Unfortunately, with his limited



DOD, Jim Garamone

General Richard B. Myers, center, listens to a briefing from COL Fred Rudesheim, right, and LTC Nate Sassaman, left, at the headquarters of the 1st Battalion, 8th Infantry, Balad, Iraq, 28 July 2003. Behind Myers is 4th Infantry Division commander MG Ray Odierno.

knowledge of counterinsurgency and no doctrine to guide him, he resorted to conventional actions to wage an asymmetric fight.

To illustrate, in one instance, before entering Samarra to combat insurgents, Sassaman commented that his forces were going to "inflict extreme violence."[18] Ultimately, his conventional mindset and frustration with the continuing insurgent activities led to the unlawful actions that occurred in January 2004.

If Sassaman had foreseen the changes in Iraq, he might have studied the concepts of counterinsurgency in detail and pursued novel training approaches to give his Soldiers a better knowledge of the environment and the actions necessary for success in it. If the Army had anticipated the Iraqi insurgency, it might have given Sassaman and others additional training to prepare for the complexity of the environment. Sassaman was not the only leader in Iraq who underestimated the magnitude of the insurgency and found it a challenge to adapt to the new operating environment, but he bore the brunt of a collective failure to anticipate, recognize, and then adapt to this change.

Identifying critical elements. Once a leader perceives changes in the operating environment, he should identify the "critical elements of the new situation."[19] Arguably, this step is the most challenging one in the journey to becoming an adaptive leader. One may see the change, but one may be unable to determine the essential elements of the change.

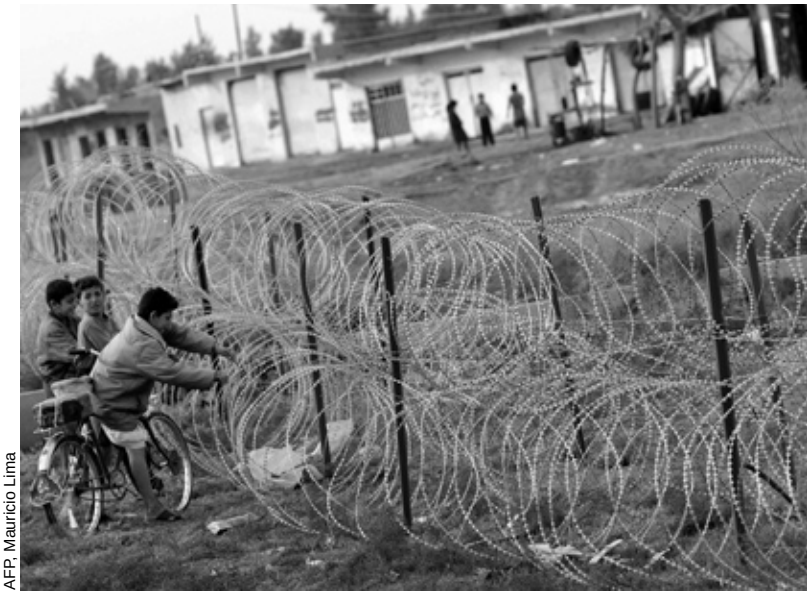
To identify these critical elements, the leader has to first determine what caused the change. In some situations, a single cause that one can easily discern might have provoked the change. In others, multiple factors may have contributed to it. In either case, leaders should understand that they might be constrained in their ability to affect the cause or causes of change, even if doing so would solve the problem. Moreover, just addressing the cause or causes for the change may not lead to success in the new situation. Leaders ought to remain flexible and adaptable so that they can employ the most appropriate solutions.

To illustrate this concept, consider a simple counterinsurgency example. A battalion commander in Iraq notices an increase in violence in his area of operations. Clearly, he has identified the change. Iraqi forces in his area have reported the arrival of a new sheik who is inciting members of the community to take up arms against Americans. The commander realizes that it would not be wise to detain the sheik, even though he has likely encouraged the increase in violence. The commander determines that the critical element that he needs to address to reduce the violence is the community's discontent with a lack of public services. Thus, he chooses to guarantee the community access to public services such as water, sewage treatment, and electricity. This simplified example illustrates the concept of determining the cause for change and identifying the critical elements necessary to ensure success in the new environment. Furthermore, it illustrates the importance of remaining open to alternative solutions.

Leaders ought to remain flexible and adaptable so that they can employ the most appropriate solutions.

As previously stated, LTC Sassaman failed to recognize the magnitude of the change in his environment, but he was quick to recognize such symptoms as escalating violence and curfew violations. In fact, these were the changes he expected and was prepared to combat. In most cases, however, he did not attempt to identify the factors that caused the increased violence. Instead, he determined that the critical action necessary for success was to respond to violence in kind. Sassaman told CNN: "You've got to meet aggression with controlled violence. A lot of people will say violence leads to more violence. I'll tell you that controlled violence leads to no more violence."[20] Sassaman's eye-for-an-eye philosophy reveals that he failed to assess the elements critical to success in this environment. Instead, he focused on a solution that he and his Soldiers were well prepared to execute.

Sassaman also resorted to extreme measures to control violence. After the death of one of Sassaman's Soldiers, he ordered his men to emplace barbed wire around the village where the Soldier was killed and to require all citizens entering the village to carry identification cards written in



AFP, Mauricio Lima

Children look through the barbed wire fence surrounding the village of Abu Hishma, 75 kilometers north of Baghdad, 14 January 2004. The fence was put up by Soldiers of the 1st Battalion, 8th Regiment, in a bid to prevent attacks on its troops coming from the village.

English.[21] The Iraqis' response was a negative one. Journalist Dexter Filkins reported that the villagers "compare[d] themselves to Palestinians," who regularly endure similar security measures because terrorists live in their midst.[22] Even though violence temporarily decreased after the battalion carried out Sassaman's orders, he had clearly alienated the population.

Other commanders in the region chose different strategies. For instance, Colonel Dana Pittard's efforts to engage the Sunni population in Diyala Province were highly successful.[23] Pittard credits the success his Soldiers achieved to actions designed to "gain the trust and confidence of the people." For instance, if Iraqi children gestured inappropriately at his Soldiers, Pittard had his Soldiers approach the children's parents and tell them what the children had done.[24] In doing so, Pittard demonstrated respect for the sovereignty of the Iraqi people in their own land.

Had Sassaman taken the time to assess the critical elements driving the insurgency, he might have quelled the violence in his area of operations by means of a more successful long-term solution. In fairness to Sassaman, he was not the only commander who resorted to extreme measures, but his failure to determine the essential elements to ensure his unit's success ultimately led to the alleged drowning of an Iraqi civilian. While we will probably never know how complex Sassaman's situation was or the other actions he considered, military leaders can study this case to learn how to apply adaptive leadership to future situations.

Using triggers. As FM 6-22 states, "Deciding when to adapt is equally important as how to adapt."[25] The final tenet of adaptive leadership is the ability to trigger changes accordingly to meet new requirements. Much like using a triggering event to decide when to attack a column of tanks with artillery, knowing when to make changes in operations is critical in complex missions like stability operations.

In the contemporary operating environment, the adaptive leader should balance force and restraint. The environment's complexity might suggest a peaceful solution in one circumstance and a violent solution in a very similar circumstance. Because every situation is different, a leader may never use the same tactic twice. However, a leader who has correctly assessed the conditions and determined the critical elements for success under the circumstances will be in a better position to know what events will require what response from his organization.

Another important element in determining the mark for change is the leader's ability to assess his strengths and weaknesses and those of his organization.[26] If he knows his organization has a tendency to resort to violence, he ought to program more restraint to prevent unnecessary escalations of violence. Conversely, he should also assess his Soldiers' tendency for restraint in certain circumstances to ensure they appropriately escalate actions. Because of the rapidly changing operating environment, a commander's best method to assess his unit in this regard is to observe them during training. A commander needs to develop realistic scenarios that test his organization's ability to progress rapidly from restraint to violence. These scenarios will develop Soldiers' discipline and ability to interpret triggers. Such training also allows a commander to

…knowing when to make changes in operations is critical…

practice visualizing potential actions based on his organization's level of competence.

Like other deploying units, the 1st Battalion, 8th Infantry, conducted training exercises in preparation for combat.[27] During their NTC rotation, Sassaman and his staff had probably refined their targeting procedures for close air support, army aviation, and artillery but spent little, if any, time considering how to adapt the organization for a counterinsurgency fight. This oversight was largely a result of the Army's focus on the conventional fight. Once in Iraq, Sassaman employed his forces in a conventional manner instead of adapting to the operating environment. His primary trigger was insurgent violence. For example, if violence erupted, he regularly ordered his Soldiers to detain Sunni sheiks and imprison Iraqis who provided bad intelligence. When insurgent violence against American Soldiers escalated, Sassaman responded by escalating violence in turn.[28] From the evidence available, it appears that Sassaman never adapted his tactics to the changing environment. Rather, he merely applied various levels of punishment in an attempt to deter violence.

After Sassaman's Soldiers pushed the Iraqi civilians into the Tigris River, members of his unit acknowledged in interviews that Sassaman included such acts within the scope of the authorized use of nonlethal force. The Soldiers apparently acted in a manner that they felt was consistent with their commander's intent.[29] By failing to assess his unit's propensity for violence and set limits accordingly, Sassaman, in effect, allowed his subordinates to decide when and how they would respond to events they encountered during patrols, searches, or guard duty. In a conventional fight, Sassaman certainly would not have left the decision to request close air support on a column of tanks up to each one of his subordinate leaders. Had Sassaman considered the changes in the environment, assessed his unit's strengths and weaknesses, and established a balance between force and restraint suitable for the types of events his Soldiers encountered, he might have avoided the leadership failure that led to his resignation.

How Do Army Officers Become Adaptive Leaders?

Sassaman was in a challenging situation in the violence-riddled region surrounding Balad, Iraq. Because we have not experienced the daily events that he did, it is difficult to pass judgment on each aspect of his operation. Clearly, scheming to withhold information during an investigation is wrong. But the value in this analysis is in considering how we might have acted in a similar situation. Would we have encircled a village with barbed wire if one of our Soldiers had been killed? Would we have responded to violence with escalating violence in every case, or would we have considered other options and adapted as necessary? We need to be able to adapt so that we can make the best possible decisions when faced with challenges.

First, we should "learn to adapt by adapting."[30] We ought to put ourselves in challenging, unfamiliar, and uncomfortable situations. As a young staff officer, I conducted many movement-to-contact missions in training. In almost every case, the operations order required the forward passage of a brigade combat team to continue the fight, but I do not recall actually executing this phase of the operation. Instead, the order to conduct a forward passage of lines was followed by brief radio silence and the inevitable "end ex" call to signal the conclusion of the mission. I always wondered why we never executed what appeared to be the most challenging part of the mission. In retrospect, we certainly did not have the money or maneuver space to conduct the operation with a full brigade, but the squadron could have used a smaller force to replicate the challenges involved in passing a unit forward while in contact. I now realize that we probably did not conduct the passage because it fell into the "too-hard-to-do" category. As a result, we sacrificed a great training opportunity by not placing ourselves in unfamiliar or uncomfortable territory. As leaders, when we train we should seek challenging situations for our organizations and ourselves, or we will fail to take the first step toward becoming adaptive leaders.

Second, we should learn to "lead across cultures."[31] We will probably always fight as a joint and multinational coalition, so we should actively seek opportunities to train and work with other services and other nations. When those opportunities are available, we

should make the effort to embrace and learn our sister services' and our allies' culture. In Iraq, we will continue to work with an interagency presence, so we need to capitalize on opportunities to learn the interagency business. In short, we should strive to attain as much cultural knowledge as possible to adapt and succeed on today's battlefield.

Finally, we ought to seek challenges.[32] We should maintain proficiency in our individual branches, but the ability to understand other aspects of the profession of arms is critical to our long-term success. We should look for tough and unusual assignments and find new and unique ways to challenge our organizations. As FM 6-22 states, the ability to adapt increases with breadth of experience.[33]

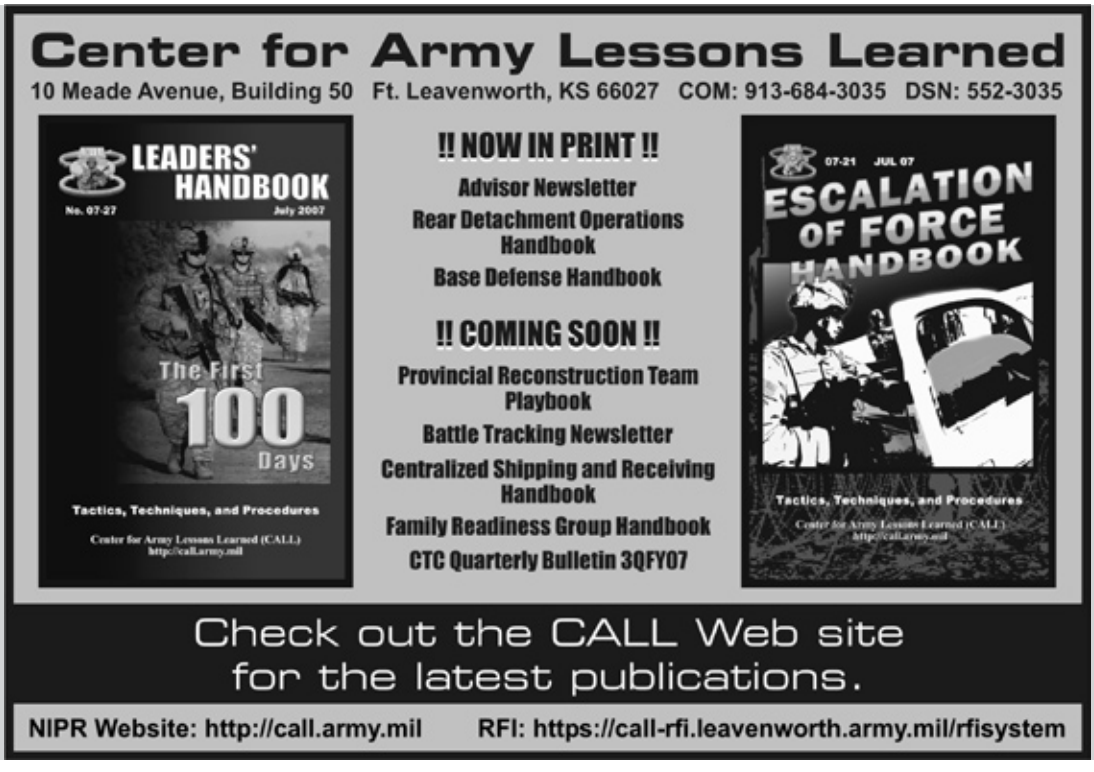
Conclusion

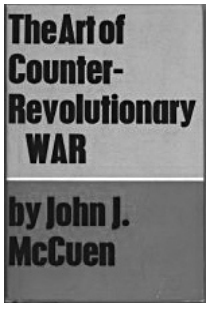
When we can recognize change in the operating environment, assess its critical elements, and modify our own actions to adapt to the change, we become adaptive leaders who can excel in today's counterinsurgency fight.

The story of LTC Nate Sassaman offers only one example of why we need adaptable leaders. Operations in Iraq and Afghanistan will not end in the near future, and other opportunities will likely present themselves as we wage the War on Terrorism. We should not disregard the lessons we have learned about conventional warfare, for as soon as we dismiss the concept, we may find ourselves preparing to wage a conventional war. Rather, we need to be proficient in every facet of our profession, regardless of how unlikely the requirement to use the proficiency might be. That, in essence, is what an adaptive leader does. ***MR***

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Featured Review

The Art Of Counter-Revolutionary War

First published in 1966, *The Art of Counter-Revolutionary War* (Stackpole Books, Mechanicsburg, PA) is among the top primers on the theory and practice of counterinsurgency warfare during the 20th century. This work is essential reading for all professionals who want to understand how to better prosecute today's long, irregular war against insurgents with global aspirations. The author, Colonel Jack McCuen, retired in 1976 after a distinguished 28-year career that included service as commander of an armored cavalry squadron, director of the Internal Defense and Development course at both the Vietnamese National Defense College in Saigon and the U.S. Army War College, and chief of the Military Assistant Group-Indonesia. This book was the result of a project that McCuen began with the encouragement and guidance of political scientist Samuel Huntington while studying at Columbia University's School of International Affairs in the early 1960s. He completed the book while serving on the U.S. Army General Staff later in the decade.

The Art of Counter-Revolutionary War examines insurgent and counterinsurgent organizations, operations, and mobilizations in successful and unsuccessful counterinsurgencies from the 20th century and before. While he offers no panaceas, McCuen uncovers universal principles and fundamentals that endure over time. His prescription is to "look upon the former revolutionary wars as shopping lists that have worked and can work in similar situations" to enable us to select and tailor past practices to present requirements. "We must sift the facts in each case and then take for our strategy what is likely to be successful," McCuen tells us. Successful practices from lost wars can also be germane to present and future counterinsurgencies.

McCuen cogently argues that the imperative of any insurgent strategy against a modern, well-equipped army is to prolong the war so that, as Henry Kissinger put it, "the guerrilla wins if he does not lose; the conventional army loses if it does not win." The book offers a fourfold approach to counter such an insurgency.

First, commanders must determine which stage of an insurgency they are fighting. McCuen wrote this book during the Maoist revolutionary warfare era, so he identifies four stages of insurgency: organization, terrorism, guerrilla warfare, and mobile warfare. The first three stages are still germane in today's era, but the insurgencies in Afghanistan and Iraq are unlikely to enter a mobile-warfare phase similar to the Maoist revolutions in China and Indochina.

Second, the counterinsurgent must secure his strategic bases while eliminating or denying the insurgents sanctuary.

Third, counterinsurgents must embark on a long-term campaign to stop the insurgents' momentum, reverse their gains, and drive them back through these stages and out of business.

Fourth, the counterinsurgent government must mobilize, organize, and apply the forces necessary to implement the counterinsurgency campaign over the protracted time required to prevail in such a war. This is often a difficult task for great-power democracies.

McCuen analyzes two crucial aspects of effective counterinsurgency: counter-organization and counter-mobilization. He cites examples in which indigenous forces were organized and mobilized in offensive roles to deny insurgents sanctuary. Counterinsurgents must oppose insurgent organizations by counter-organizing indigenous groups, military formations, police, and paramilitary elements. Self-defense by the population is a necessary element of counter-organization. Just as essential are the establishment of intelligence systems rooted in the population and the mobilization of indigenous forces for offensive, defensive, and mobile operations. Winning back control of a country requires mobilization of counterinsurgency assets for coordinated offensive operations in the military, political, and psychological spheres.

For example, the French employed indigenous forces for "nomad" operations in Indochina and Algeria. Small numbers of French cadres and indigenous forces moved about assigned zones to patrol, attack, and ambush insurgents; to collect intelligence; and most important, to maintain contact with the population. Because insurgents in Iraq and Afghanistan are using sanctuaries, the book's prescription to organize and mobilize indigenous nomad counter-guerrilla formations, in order to attack enemy sanctuaries inside and beyond frontiers warrants serious consideration and further development.

American national and military strategies stress the need to enable our allies to counter Al-Qaeda and its ilk and deny them sanctuary by creating an environment inhospitable to them. If one subscribes to an indirect, unorthodox approach to this long, irregular war, *The Art of Counter-Revolutionary War* offers several best practices that may be effective for maintaining a global, persistent, and dispersed presence in every sub-region where development and foreign internal defense are required, replicating Combined Joint Task Force-Horn of Africa and Operation Enduring Freedom-Philippines.

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Featured Review

NO END IN SIGHT

Intentionally or not, director Charles Ferguson's *No End in Sight* (Magnolia Pictures, New York) pays subtle homage to historian Barbara Tuchman, evoking about the war in Iraq one of her particularly poignant reflections about World War I. "When every autumn people said it could not last through the winter," she wrote in *The Guns of August*, "and when every spring there was still no end in sight, only the hope that out of it all some good would accrue to mankind kept men and nations fighting."[1] In the end, Ferguson's film radiates a sense that the main effect of the war in Iraq will be the "disillusion" Tuchman wrote about after World War I.[2] Hope and disillusion, though, are only two of several juxtapositions about Iraq in a cinematographic narrative that is visually compelling, emotionally moving, and intellectually thought provoking, both for what it includes and for what it leaves out.

Although clearly skeptical about American presidential motives for the war, *No End in Sight* does not explicitly affiliate Ferguson with filmmaker Michael Moore and others who claim the American war in Iraq is *prima facie* unjust. The film accurately depicts the moral and geopolitical ambiguity of the American relationship with Saddam Hussein, tracing his evolution from strange bedfellow vis-a-vis Iran in the 1980s, to third-tier tyrant threatening regional stability in the 1990s, to arch-nemesis of three American presidents (two named Bush) after the 1991 Gulf War.

Whether Saddam's actions, both in relation to other countries and to his own people, provided sufficient just cause for the war the U.S. began in March 2003 is a question largely outside the scope of Ferguson's narrative. Although his critique of American *realpolitik* is evident, he believes it is plausible that the war is essentially *about* freeing the Iraqi people from dictatorship and creating the conditions of security and stability from which they can build national identity and political community. Ferguson views American policy and American leadership in light of those goals, and this might have led him to create overly black-and-white vignettes that mask the gray areas in a complex set of circumstances.

Most of Ferguson's high-level interviewees are people who went to Iraq with special expertise, ostensibly to form the nucleus of the nation-building effort alongside the Iraqis. Their uniformly disillusioning stories tend to be variations on a theme: an expert is brought in too late in the planning; the expert sees what needs to be done; the expert tries to initiate action, but faces obstacles from and is ignored by people higher in rank; the expert leaves or is replaced. Whether physically wounded, psychologically scarred, or (merely) intellectually incredulous at the way the war in Iraq has been directed, the military interviewees—mostly junior in rank—present a picture of patriotism and idealism tinged with disenchantment after doing their utmost with what they had, often at great personal sacrifice.

If the film is skewed, it is not entirely the director's fault. The apparent refusal of several key American policy-makers to come before the camera lies at the heart of much of the film's imbalance. Two men on the "dark" side of Ferguson's binary view of Iraq who do appear—one of them American "proconsul" L. Paul Bremer (in segments lifted from news programs)—rely almost solely on excuses when asked direct questions concerning their motivations for actions, words, or inactions. Their repeated reference to the confusion of the situation, their own stress levels, and the inadequacy of their own memories make it all too easy to come away from the film truly disheartened. Ferguson's lens sees an unbridgeable gulf between George W. Bush's hubristic appointees and a vast array of good people throughout government, the military, and academia who failed only because they were not given the resources, the authority, or the permission to succeed. Refuting Ferguson's specified and implied accusations about the character and competence of President Bush, Defense Secretary Donald Rumsfeld, and others will only be possible when memoirs are written and memoranda are unclassified.

Despite its one-sided view, *No End in Sight* is a valuable text in the evolving film narrative of the American war in Iraq, if for no other reason than the precision with which it pinpoints the genesis of the multilayered insurgency in April 2003, largely through the eyes of journalists who had the closest thing to an unbiased perspective on the events as they unfolded. Ferguson depicts in detail how the American decisions to not declare martial law, to disband the Iraqi Army, and to prevent Ba'ath Party members from serving in a new government drove many thousands of Iraqis into the streets, then into mosques (the church being the only remaining functioning community institution), and then into various (and often competing) militias defined by religious sect, tribal affinity, or other local loyalty, thus severely inhibiting the prospects for Iraqi nationalism.

Describing the first month of World War I, Tuchman notes how the "Battle of the Marne was . . . decisive . . . not because it determined that Germany would ultimately lose or the Allies ultimately win the war but because it determined that the war would go on."[3] Similarly, Ferguson

reveals how April 2003 cries out "Mission *not* accomplished, Sir," portending the years of struggle between then and now in Iraq. To say there is no end in sight is not to say the war will never end. The ultimate question is, how? Perhaps the so-called "surge" will bring about a sufficient degree of civil order for Iraqi institutions to function, driving children into school rather than the street. Perhaps the Iraqi Government will heal its divisive wounds, uniting a people divided by religion and clan.

Or perhaps—like China in the early 20th century—Iraq is, in Tuchman's words, "a problem for which there [is] no American solution."[4] In *Stillwell and the American Experience in China 1911-45,* Tuchman posits that the American mission to shape a non-Communist China failed "in its ultimate purpose because the goal was unachievable . . . The American effort could not supply an outworn government with strength or stability or popular support."[5] *No End in Sight* leaves this American wondering if we will someday look back on our noble if flawed effort to enable democracy in Iraq as Tuchman looked back on our noble if flawed effort in China and see an Iraq that, like China, "went her own way as if the Americans had never come."[6]

1. Barbara Tuchman, *The Guns of August* (New York: MacMillan, 1962), 439-440.
2. Ibid.
3. Ibid., 440.
4. Barbara Tuchman, *Stillwell and the American Experience in China 1911-45* (New York: Book of the Month Club, 1985), 531.
5. Ibid.
6. Ibid.

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BEATING GOLIATH: WHY INSURGENCIES WIN, Jeffrey Record, Potomac Books, Washington, DC, 2007, 192 pages, $24.95

If the U.S. has become the 21st century's "hyperpower," why does it appear so befuddled by the insurgency in Iraq, an insurgency characterized by relatively low levels of technological sophistication, limited ideological appeal, and scant organizational unity? This is the question Jeffrey Record seeks to answer in *Beating Goliath: Why Insurgencies Win*. He also asks why, in modern history, the weak have sometimes been able to beat the strong. Record's well-chosen case studies highlight the common characteristics of successful insurgencies. He argues that the U.S. is predisposed to play the role of Goliath in asymmetric struggles, and he paints a disturbing picture of what he says is the deeply flawed "American Way of War."

An assistant province advisor in the Vietnam War and a professor of strategy at the Air War College who has written extensively on current security issues, Record bases his theoretical analysis on the work of Andrew Mack, Ivan Arreguin-Toft, and Gil Merom, political scientists who believe that material strength is no guarantee of victory against opponents with superior will and strategy. However, Record takes the political scientists to task for failing to account for the critical role that external assistance plays in making insurgent victories possible. Here, he deploys a series of well-argued case studies to make his point. He finds, for example, that the U.S. defeat in Vietnam is nearly impossible to explain without considering the aid provided to North Vietnam by the Soviet Union and Communist China. He asserts that the Malayan insurgency lost not just because of a superior British strategy, but also because its ethnic Chinese adherents were isolated from the general population and external assistance.

What most readers will find interesting—and controversial—is Record's assessment that U.S. "strategic culture" is dysfunctional. Although he sees many differences between America's wars in Vietnam and Iraq, he argues that our past misfortune in Southeast Asia and our current difficulties in Iraq reflect policymaking ignorant of local culture and historical perspective, dependent on technology, unwilling to engage in irregular warfare, and resistant to the view that war is, ultimately, a political act.

His analysis is persuasive and makes for a sobering read.

LTC Scott Stephenson, USA, Retired, Ph.D.,
Fort Leavenworth, Kansas

BUDA'S WAGON: A Brief History of the Car Bomb, Mike Davis, Verso, London and New York, 2007, 228 pages, $22.95.

The title of Mike Davis's short, lively history refers to an explosives-laden horse-drawn wagon that radical anarchist Mario Buda detonated on Wall Street in September 1920. The carnage wrought by Buda's prototype vehicle-borne improvised explosive device—40 dead and 200 wounded—anticipated the frequent employment of powerful vehicular bombs through the rest of the 20th and into the 21st century. Davis describes a dozen or more criminal, terrorist, and guerrilla campaigns in which impoverished or marginalized elements used car bombs to destroy enemies and wreak havoc. The ubiquity of such bombs, Davis observes, reflects their lethality, their ease of production and deployment, and the inability of military and police forces to counter them effectively.

A leftist historian and social critic associated with the University of California, Irvine, Davis writes in the racy style of a pop journalist. Calling car bombs the "'poor man's air force' *par excellence*" and the "hot rod of the apocalypse," he reports that they have "proliferated across the planet like a kudzu vine of destruction." At times, however, Davis lapses into academic jargon: "The car bomb *plus* the cell phone *plus* the Internet together constitute a unique infrastructure for *global networked terrorism* that obviates any need for transnational command structure or vulnerable hierarchies of decision-making." Additionally, Davis's underdog political sensibility occasionally turns him into a cheerleader for dispossessed cohorts who have used car bombs to deliver asymmetrical warfare whoopings to Western powers.

Problems of tone aside, *Buda's Wagon* offers much to think about.

Davis's ability to recall and make vivid forgotten chapters in the history of low-intensity combat is impressive. For the serving military professional, *Buda's Wagon* places into historical and contemporary focus a weapon that, along with the roadside bomb and the sectarian execution, has shaped the face of battle in Iraq and Afghanistan. In these places, warring factions have drawn on a seemingly endless reservoir of munitions, vehicles, and, in a new twist, suicidal drivers to perpetrate massacres and disrupt civil society. Describing how the car bomb has vexed American efforts to establish peaceful, democratic states in Iraq and Afghanistan, Davis claims that the car bomb "probably has a brilliant future." Implicit in his commentary is that American political and military leaders might have better anticipated that our enemies would employ these readily available and profoundly modern weapons to disrupt our plans and operations.

LTC Peter Molin, USA,
West Point, New York

IS IRAQ ANOTHER VIETNAM? Robert K. Brigham, PublicAffairs Books, New York, 2006, $24.00.

In comparing the war in Iraq to the Vietnam War, Robert Brigham's *Is Iraq Another Vietnam?* concludes that three similarities overwhelm the differences between the two wars: the initial reasons for waging the wars have been discredited; stable societies had or have to be rebuilt out of chaos; and U.S. public support for the wars declined, thereby limiting future foreign policy options.

Brigham argues that America has forgotten one of the lessons of the war in Vietnam: U.S. power does have limits. He asserts that not achieving rapid victory has a domestic and international impact and warns that an "Iraq syndrome" may replace the "Vietnam syndrome." U.S. military power alone, he claims, cannot solve political problems.

In the past, America went to war to fight for its ideals; for example, to export democracy. Unfortunately, this idealistic tendency has led to emotional rhetoric that sometimes blinded the nation and precluded comprehensive debate on a war's objectives. In support of his point, Brigham notes that it took Congress longer to make Martin Luther King's birthday a holiday than it did to authorize military action in Vietnam or Iraq. One result of this haste is that when the U.S. does not achieve a quick victory, opponents appear who rush to question the motives behind the war. In the ensuing clamor, little real discussion takes place. This has occurred during both conflicts and has contributed to the decline in public support for them.

Is Iraq Another Vietnam? gives military professionals insight into one of today's major debates about Iraq. Brigham shows us where the U.S. effectively considered history and where it dismissed it—and in the case of the latter, the grave results that followed. The book is well written and gets one thinking, and I recommend it for the general reader.

LTC Paul B. Gardner,
USA, Retired,
Fort Leavenworth, Kansas

BUILDING MODERATE MUSLIM NETWORKS, Angel Rabasa, Cheryl Benard, Lowell H. Schwartz, and Peter Sickle, RAND Corporation, Santa Monica, CA, 2007, 216 pages, $30.00.

Building Moderate Muslim Networks is both refreshing and thought provoking in its examination of the tough work needed to achieve democratic transformation in the Muslim world. It avoids the twin pitfalls of demonizing Muslim nations and denying the social and political differences between those nations and ours.

The book's authors provide an overview of the "war of ideas" going on in the Muslim world, criticize the shortsighted U.S. approach to this "war," and call for a clear long-term policy. While President George W. Bush's "Freedom Agenda" sees democratization in the Muslim world as an antidote to terrorism, Bush's vision has not translated into a cohesive plan. The authors advocate a strategy that begins with the periphery: Southeast Asia and the Muslim Diaspora in Europe, areas more amenable to moderate thought. They define "moderate," "Islamist" and "civil society," and apply these definitions in assessing the state of the Muslim world today.

This assessment provides hope for change, but a heavy dose of political reality tempers optimism when the authors offer policy recommendations. Although they recognize that supporting oppressive regimes that claim to be fighting terrorism can work against democratic transformation, they have no solution to resolve the contradiction. Without resolution, they are left with only modest policy suggestions—for example, a conference of Muslim moderates—that indicate how far we are from real progress.

Building Moderate Muslim Networks also suffers somewhat from focusing on U.S. Government bureaucracy. Its lengthy analysis of network building during the Cold War, despite the parallels the authors try to draw to today's situation, seems only marginally useful. Nonetheless, the book is worth reading for its insights on countering extremism in the Muslim world and the questions it inspires about our policy priorities.

LTC David F. DiMeo, USA, Ph.D.,
West Point, New York

THE PENTAGON: A History: The Untold Story of the Wartime Race to Build the Pentagon—and to Restore It Sixty Years Later, Stephen F. Vogel, Random House, New York, 2007, 626 pages, $32.95.

The Pentagon is so closely associated with the Department of Defense that reporters routinely refer to the building as if it were the department itself. The 9/11 attack only reinforced this huge edifice's iconic value.

Journalist Steve Vogel has written an entertaining history of the Pentagon building since its inception, focusing on the people who built and rebuilt it rather than just the structure itself. Foremost among the build-

ers was Brehon Burke Somervell, the engineer officer who rose from lieutenant colonel to lieutenant general in just two years because of his ability to organize huge construction projects as the U.S. Army mobilized for World War II. During the war Somervell was the commander of all Army service forces, ranking as an equal with General Henry "Hap" Arnold (Army Air Forces) and General Leslie McNair (Army Ground Forces).

In July 1941, while heading the War Department's construction division, Somervell got the assignment to construct temporary buildings that would gather the Army's mushrooming bureaucracy into a single place. From this task, he conceived the need for a huge permanent building, a project that he pushed through to completion despite contrary guidance from President Franklin Roosevelt and opposition from a variety of sources in the government. Although Roosevelt forced Somervell to relocate the new structure, the general otherwise accomplished everything he set out to do. In the process, he concealed both the size and the actual cost of the structure because he believed—correctly—that the looming war would require a much larger headquarters than anyone before Pearl Harbor could have imagined. In reaching his goal, he offended many people, not least the future president, Harry Truman. The story of how Somervell and a host of architects and contractors built the Pentagon in less than two years makes fascinating reading.

After following the Pentagon's construction to completion, Vogel discusses a number of key events in the Pentagon's history, notably the October 1967 anti-war march on the building and the 9/11 terrorist attack. The latter account highlights the heroism during the actual attack and the fact that recent renovations mitigated the damage. As the author points out, the aircraft struck the building at the area that, because of ongoing renovation, was least occupied and most reinforced to absorb an attack.

In sum, *The Pentagon* is engaging reading not just for the generations of officers who have served there, but also the public.

COL Jonathan M. House, USAR, Retired,
Fort Leavenworth, Kansas

THE U.S. ARMY/MARINE CORPS COUNTERINSURGENCY FIELD MANUAL, forewords by General David H. Petraeus, Lieutenant General James F. Amos, and Lieutenant Colonel John A. Nagl, introduction by Sarah Sewall, The University of Chicago Press, IL, 2007, 473 pages, $15.00.

Why should anyone *pay* for a copy of Field Manual (FM) 3-24 (Marine Corps Warfighting Publication 3-33.5)? There are three reasons: The University of Chicago edition has a rugged cover, rounded corners, and fits into Army Combat Uniform-cargo-trouser pockets; Sarah Sewall's introduction is worth the price of the book alone, and part of the book's profit goes to the Fisher House Foundation, which supports military families.

After Vietnam, counterinsurgency disappeared from the Army's concerns. The few thin manuals on it that appeared during the 1980s were not mainstream reading. The first counterinsurgency manual released after 9/11 was FM 3-07.22, *Counterinsurgency Operations,* on 1 October 2004. Lead author Lieutenant Colonel Jay Horvath's efforts resulted in an interim manual–not quite doctrine, but greatly debated in the field. FM 3-24 is a new field manual, not just a reissue of old concepts and platitudes.It incorporates the efforts of some of the Army's leading theorists and practitioners of counterinsurgency, among them Lieutenant Colonel John Nagl and Colonel (retired) Conrad Crane, as well as journalists, human rights advocates, and academics. The FM's wide readership includes insurgents in Iraq, Afghanistan, and other countries.

So, what is so special in the new manual? It emphasizes that civilian protection is the most important aspect of the counterinsurgency mission, an idea that runs counter to decades of U.S. force-protection policies that came at the price of endangering the civilian populace. The manual states plainly that U.S. combatants need to assume more risk and often not react to provocation.

Second, it maintains that the proper approach to counterinsurgency is more political and economic than force related. U.S. Soldiers now find themselves building schools, providing medical care, repairing city services, and conducting a variety of other nontraditional military missions. Successful counterinsurgency requires that the civilian actors and agencies become fully engaged in the field alongside combat forces.

Third, it stipulates that the nation's political leaders need to become actively involved in the successful prosecution of counterinsurgency.

And, fourth, it declares that the "American way of war," which prefers technology to manpower, is often counterproductive. The manual calls for more ground forces, not more cruise missiles.

FM 3-24 devotes a lot of space to defining terms and framing arguments; however, it offers little discussion of actual tactics. As such, the new manual is not perfect, but it is—finally—here.

LTC Lester W. Grau, USA, Retired,
Fort Leavenworth, Kansas

RUSSIA'S ISLAMIC THREAT, Gordon M. Hahn, Yale University Press, New Haven and London, 2007, 368 pages, $35.00.

Russia's Islamic Threat provides meticulously detailed research and analysis about Islamic separatism in Russia, focusing on two particular areas—the Sufi Islamic North Caucasus (with a special emphasis on Chechnya) and Tatarstan/Bashkortostan, where a jihad movement holds sway.

Hahn sees two types of Islamic separatism in the Russian Federation—violent, radical rebellion, supported by a small percentage of the population in the North Caucasus,

and a potentially broader-based and more moderate political movement for self-determination in the Tatar/Bashkortostan region. At the heart of both Islamic separatist movements lie strong nationalist sentiment, distrust of the Russian Government, and a poor (or worsening) economic outlook.

Hahn asserts that the policies of President Vladimir Putin's regime have fueled Islamic separatism, whether in the radical hotbed of Islamic fundamentalism in the North Caucasus, or in more Russified, secular, and moderate Muslim Tatarstan. Another significant cause of discontent is Putin's anti-federalist policies, which have given much more power to the Russian federal government at the expense of individual Russian states/regions.

The net effect is that Putin is dismantling the "asymmetrical fiscal federalism" established by President Boris Yeltsin that made some concessions to state/regional sovereignty and reduced inter-ethnic competition for resources in potentially unstable regions. According to Hahn, asymmetrical federalism was a key factor in limiting nationalist aspirations and radicalism.

Hahn is probably overly pessimistic about Russia's future. Judgments such as "Russia remains a weak state," "is becoming a failing state," and "risks becoming a failed one" seem extreme, considering Russia's economy is booming, its international influence is on the rise, and the North Caucasus has been relatively quiet in the last year.

Russia's Islamic Threat is a must-read for any student of radical Islam in Russia/Central Asia. In addition to its main arguments, the work provides extensive lists of resources, notes, and events concerning Islamic separatism in the region. Hahn's book will be of great interest to anyone studying Putin's impact on the development of democracy in Russia. Many journalists and scholars have written about declining civil liberties in the Russian Federation, but Hahn looks at a lesser known facet of this policy—the destruction of Russian "asymmetrical federalism" and its repercussions.

Charles K. Bartles,
Fort Leavenworth, Kansas

TRIUMPH FORSAKEN: The Vietnam War, 1954-1965, Mark Moyar, Cambridge University Press, New York, 2006, $32.00.

We bring to history the preconceptions of our personalities and our age. Conceptions of the past are far from stable; the urgencies of the present perennially revise them. Mark Moyar has written an ambitious book in which he tries to rewrite the history of the Vietnam War. In this version, the war was "a noble but improperly executed enterprise."

The only difference between Moyar's political-military history and a historical novel is that Moyar cites his sources. Unfortunately, his notes do not support his arguments. His thesis, that the U.S. failed to pursue its war in Vietnam vigorously enough to achieve victory, does not explain the way critical events unfolded.

Moyar presents a chronological narration of events, reinterprets each significant event from his revisionist viewpoint, and explains why the orthodox interpretation is wrong. He declares that South Vietnam was on its way to victory when the Army generals assassinated President Ngo Dinh Diem in November 1963 and overthrew his government. Moyar's meticulous reconstruction of South Vietnam's army operations until then seems to favor his viewpoint. However, to reach this conclusion, he ignores the wider context of the war and North Vietnam's plans to achieve eventual total victory.

From about 1956 on, Hanoi sought to build up its southern strength by sending supplies to inaccessible parts of South Vietnam, where northern insurgents had their rallying points. The slow, patient build-up would eventually pave the way for offensive action. Official Vietnamese testimonies and provincial studies written by American scholars based on captured contemporary North Vietnamese documents confirm this intent. Thus, the true story of the early years of the Vietnam War is not that South Vietnam was winning, but that the northern insurgents avoided armed confrontation with the South Vietnamese Army until their insurgent proxies were better prepared to fight. The insurgents carried out offensive actions, but only as resources allowed.

Moyar's discussion of the domino theory's validity is also disappointing. While he claims to have uncovered "hitherto unappreciated facts" that caused him to conclude the theory was valid, he never reveals what they are. Instead, he merely cites geopolitical theories then accepted as truth because they fit a particular picture of Communist activities in Southeast Asia in the 1920s and 1930s.

Moyar's book is a disappointment. I cannot recommend it.

Lewis Bernstein, Ph.D.,
Seoul, Korea

FASCISM'S EUROPEAN EMPIRE: Italian Occupation During The Second World War, Davide Rodogno, Cambridge University Press, TN, 2006, 504 pages.

Recent historiography of World War II has focused almost exclusively on Nazi Germany and its policies in Eastern Europe. It is refreshing when a quality study with new perspectives is published. In *Fascism's European Empire: Italian Occupation During the Second World War,* Davide Rodogno gives us an in-depth analysis of Germany's junior partner, Italy, and its foreign policy goals and operations, particularly in the Balkans, during World War II.

Rodogno first concentrates on Italy's nationalistic aims and aspirations as Mussolini led his country on the path to war, and then focuses on how administering the peoples and regions under occupation introduced unforeseen and sometimes unsolvable problems.

Italy's problematic relationship with Germany—Hitler never considered Italy an equal partner—and the realities of occupation governance frustrated the Duce's ambitions as

he tried to consolidate power in the Italian *spazio vitale*.

Rodogno argues that although Italy may have treated Jews and other minorities more humanely than Germany, this neither mitigated the horrible conditions the Italians allowed nor indicates they had superior morals. Political concerns alone dictated how they treated interned persons, and no Italian organization made a sincere effort to keep innocent people from falling into Nazi hands.

Rodogno's book is a formal, well-researched look at a relatively unfamiliar topic that he renders surprisingly easy to understand. His sound arguments shed light on the neglected topic of Italian occupation policies during World War II. Anyone with an interest in military occupations or Italian history will gain knowledge by reading this illuminating study.

LTC Michael A. Boden, USA, Mosul, Iraq

MR Letters

Understanding Airmen: A Primer for Soldiers

Ted McNabb, *North Vancouver*—Generally speaking, Major General Charles J. Dunlap Jr.'s article, "Understanding Airmen: A Primer for Soldiers" (*Military Review*, September-October), was excellent, but he neglected two "minor" points.

1. He states that "Although the paradigm is changing, for most of its history, the Air Force, completely unlike its sister services, has been an organization in which mostly its officers fought, not its enlisted force." But he neglects to mention why. Air Force pilots were officers because, when air forces were being started, it was found that those who "rode" (read as "rode to hounds") had the time, money, and learned abilities that enabled them to become effective pilots faster and more efficiently than those who didn't. Of course those who "rode" were "gentlemen," and it was inconceivable that they could be anything BUT officers.

2. He doesn't really cover the difference between "Air Force Combat Aviation," "Navy Combat Aviation," and "Army Combat Aviation," which is (generally speaking) that distance from the flight line to clean sheets and ice cream is shortest in the Navy and longest in the Army.

Admittedly "air support" is a really nice thing to have if you are a ground pounder—provided the "air support" actually manages to identify the correct target while whizzing through the combat zone at several hundred miles per hour.

Given the technology being used by the forces expected to be encountered in today's combat, an argument can be made that the P-38 or the Mosquito would be a more effective aircraft (and certainly more cost effective with the P-38 coming in at approximately 1/750th the price of an F-22—quite frankly, I'd prefer having 750 aircraft available to provide "air support" to only one…) for "counter insurgency" warfare than any of the more modern (and certainly more "sexy") aircraft in service today—especially considering the improvement in carried-weapons effectiveness.

Another View

LTC Jeffery A. Anderson—Thank you for printing Major General Charles J. Dunlap Jr.'s "Understanding Airmen: A Primer for Soldiers." While I do agree with the technological advances that seem to be a part of the Air Force, I don't think this article "hit the mark" in getting me to understand Airmen any better. It did however go a long way toward reinforcing all the negative stereotypes I had heard about Airmen in my 18-1/2-year career (and many I hadn't)! I hope we can all finally agree that the technological advance that will solve this problem once and for all will be when we can remove the limiting factor from every plane . . . The Pilot!

The Honest Airman

Major Eric C. Larson, USAF—I will never apologize for being an Airman. . . . In reading Major General Dunlap Jr's "Understanding Airmen: A Primer for Soldiers," I came away with the distinct impression that General Dunlap is not presenting the whole story of who we are as U.S. Air Force Airmen, and does us a disrespect by not coming clean about our part in "the service" of our country. . . . We as Airmen should be proud of our accomplishments, in the air and on the ground, and be confident of our service's contributions [but] a little humility and self-sacrifice would go a long way to gain the respect of our sister services.

There are many areas in which I take issue with the general, but space limits me to two. First, he should acknowledge that the Air Force is probably the most politically savvy when it comes to manipulating the U.S. Government bureaucracy. The Air Force has learned that winning funding for a multi-billion dollar weapons system is as much about the system's value to Congressional districts and defense contractors as about its value as a weapon.

. . . If you want a real reason why our Army brothers and sisters are frustrated with the Air Force, it is because they can do the math. The $840,000 cost of one MRAP is a little under one quarter of one percent of the $257 million total per plane price tag for just one F/A-22.

The average grunt knows how the MRAP is going to help him survive the streets of Baghdad today, so he doesn't really care about how the Raptor at 40,000 feet will help him in some future conflict. When Air Force skill at politics is perceived as more important than our skill on the battlefield, it does little to help our cause.

Airpower does have roles to play in COIN, and five well-considered pages in FM 3-24 just about covers them all. Simply arguing that page count trumps actual substance [as the general seems to] is ridiculous… "Airpower in the Strike Role" is a short, well-written two paragraphs within Annex E whose main point is to warn against its indiscriminant use…and relegate it to its proper role in support of COIN efforts on the ground.…FM 3-24 makes it abundantly clear that the USAF's major contribution to "winning" in COIN is through USAF Airmen helping the host nation develop its own sustainable airpower expertise, not by buying and using more USAF F/A-22s.

My second objection to the article is its failure to advance positions that…justify spending the nation's limited treasure on Air Force platforms, which could include buying the full run of F/A-22s…though carefully considered prioritization means buying additional Global Reach in the form of C-17s and a new tanker fleet. General Dunlap writes that "honest disagreements as to how to address the greatest threats of the 21st century are the premise for some of the contentiousness," but he doesn't address the threats we face [right now]. . . . which are likely to be some combination of global Islamic insurgency and internal separatist movements.…The F/A-22 does not directly address these threats in any meaningful way, but the C-17 and KC-X (whatever the next tanker will be) do. Connecting the F/A-22 to ongoing COIN ops in Iraq or Afghanistan is politically expedient, but ultimately misrepresents airpower's proper role in that fight.

The Airmen's hardest fight is the idea of shared sacrifice. Yes, airpower's reliance on technology to exploit its advantages is costly and does require good political salesmanship, [but] it would only be good politics for USAF leaders to "take one for the team" on pie-in-the-sky projects for the uncertain future and concentrate on beating today's known threat.

. . . Airmen don't need to be better ambassadors or advocates for our service or specific airframes; we need to be ideologues of airpower in general and true promoters of "service above service above self." Here's how we do that: be proud of our strengths, honest about our weaknesses, acknowledge we can't do it alone, recognize the honor in "playing well with others," sacrifice for the good of the entire team, and ignore those that would pit us against each other. The rest will take care of itself.

General Dunlap's Reply

I am glad to see that my article so stimulated these readers! That it published not just these responses, but my article in the first place, is a testament to the greatness of our Army—and its *Military Review*. America's military is the finest in the world because it welcomes all points of view!

I found it interesting that the commentators seem to evaluate the Air Force solely in the context of today's conflicts. In that regard I am heartened by the fact that the fourfold increase in airstrikes in Iraq reported by *USA Today* (22 October 2007) coincides with a steep decline in the number of U.S. casualties there. Thoughtful ground-force commanders are learning that the savvy use of airpower saves Soldiers lives.

By way of information, I have a 20,000-word monograph entitled *Shortchanging the Joint Fight? An Airman's Assessment of FM 3-24 and the Case for Developing Truly Joint COIN Doctrine* due to be published in November 2007 that details airpower's potential in COIN.

Having said that, we all need to be careful about falling into the trap of thinking the next war will be like the last. Irregular warfare is a very serious matter, but it does not present an existential threat. Weapons such as the F-22 are designed to counter capabilities of peer-competitor nations that can threaten our very survival.

Even 100,000 MRAPs and a million troops do not deter undemocratic nations with huge populations, high-technology, and a voracious appetite for resources. Airpower is America's asymmetric advantage; in many ways, the Air Force is the "Next-war Force."

Center of Gravity

Brian Allen, *Fort Leavenworth, Kansas*—Reference Major Mark P. Krieger's article, "We the People Are Not the Center of Gravity in an Insurgency" (July-August 2007, *Military Review).* Let us put the term *Center of Gravity* to bed not because it is irrelevant but because it means so many things to so many generals. And as much as Dr. Strange, Joint Forces Command, and our doctrine writers try to refine the term, its various interpretations continue to flummox the poor majors attempting to navigate though the Joint Operations Planning Process. We spend too much time debating whether something is a decisive point, a center of gravity, or a critical capability. We should spend more time applying logic to determine the correct objectives, determining the tasks required to attain those objectives, determining the forces required and available to execute those tasks, and sequencing those tasks to optimize the forces—in short, applying operational art.

I propose modifying our taxonomy. Replace *Center of Gravity, Decisive Point, Critical Capability, Critical Requirement* and *Critical Vulnerability* with *Really Important Thing/Task (RIT)*. Dr. Strange should approve this convention because it acknowledges both nouns and verbs.

After identifying the *Really Important Things*, the planner should be able to answer a series of questions: A) Why is that *thing* important?—ANSWER 1, B) Why is *that* important?—ANSWER 2, C) Why is *that* important?—ANSWER

3, and so on. True, it's a simple parlor trick for which management consultants are well-compensated, but the answers to these questions clearly reveal the logic, or lack of it, in a strategy, scheme, concept, plan or idea.

Before we attempt to describe a complex concept or process in elegant terms, perhaps we need to remind ourselves that the reason we plan is to take (or not take) action to sustain a current environment or create a new one. We evaluate success and failure by our understanding of the environment, selection of objectives that will create or sustain this environment, ability to see the significant obstacles to our achievement of those objectives, and ability to overcome those obstacles.

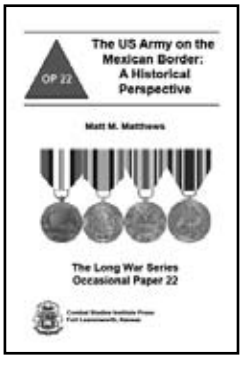
Whatever products or phrases we create to convey these essentials should be perfectly understandable to everyone who may be affected by our actions. Perhaps the following advice to prospective World War II planners is still applicable:

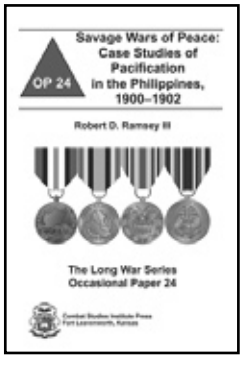
Since the earliest days, man has attempted to formulate the relationships between causes and effects without, however, always possessing the specific knowledge essential to accuracy. Pithy statements have always had a great appeal to man, as evidenced by the existence of proverbs, maxims, and adages preserved from times of great antiquity. Frequently, however, such statements are not expressive of the truth. Sometimes, again, they state facts, without, nevertheless, expressing the whole truth…To rely upon rules of action which do not express the whole truth is to court the danger of encountering exceptions which may entail serious consequences.—Sound Military Decision, p. 24, U.S. Naval War College, 1942.

Major Krieger's article raises excellent points to be considered by those planning counterinsurgency operations. He will undoubtedly not be the last author to posit the use and abuse of planning jargon. In the final analysis, perhaps this type of forum is the place for our sophisticated terms. Debating definitions sharpens our logic and focuses the planner's answers on the basic questions that must be asked of any plan: *Who, What, When, Where, How,* and most importantly, *Why*.

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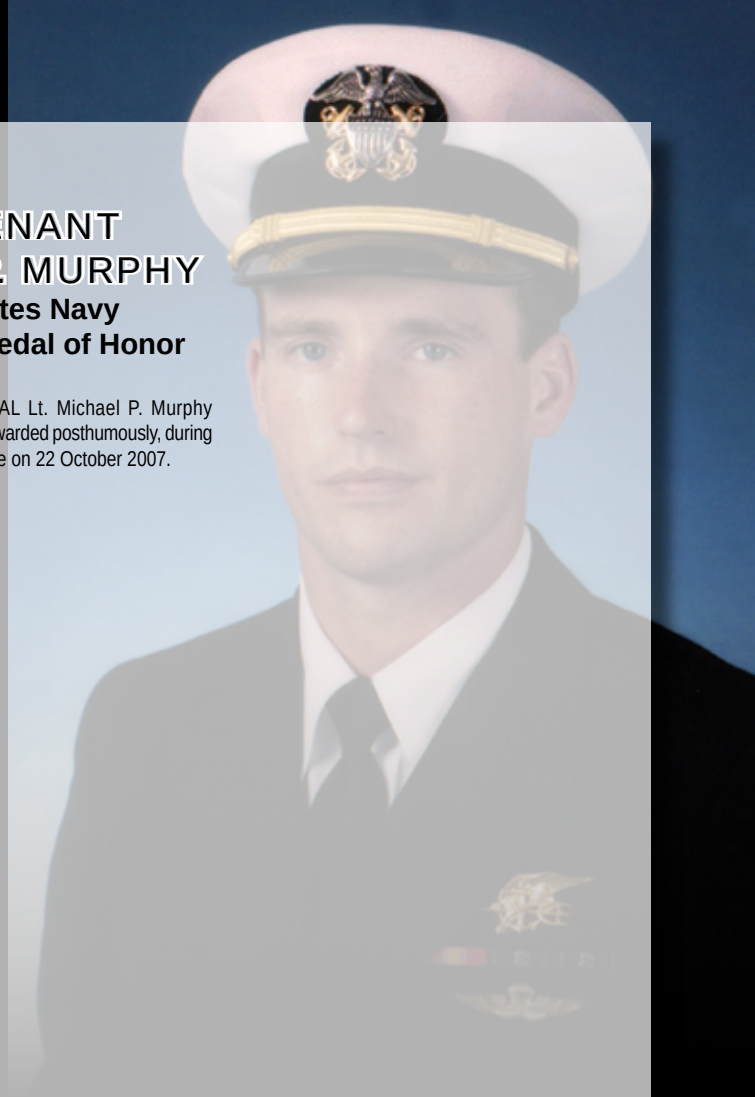
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LIEUTENANT MICHAEL P. MURPHY

United States Navy
Awarded the Medal of Honor

The family of U.S. Navy SEAL Lt. Michael P. Murphy accepted the Medal of Honor, awarded posthumously, during a ceremony at the White House on 22 October 2007.

FOR SERVICE AS SET FORTH IN THE FOLLOWING

CITATION:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as the leader of a special reconnaissance element with naval special warfare task unit Afghanistan on 27 and 28 June 2005. While leading a mission to locate a high-level anti-coalition militia leader, Lieutenant Murphy demonstrated extraordinary heroism in the face of grave danger in the vicinity of Asadabad, Konar province, Afghanistan. On 28 June 2005, operating in an extremely rugged enemy-controlled area, Lieutenant Murphy's team was discovered by anti-coalition militia sympathizers, who revealed their position to Taliban fighters. As a result, between 30 and 40 enemy fighters besieged his four-member team. Demonstrating exceptional resolve, Lieutenant Murphy valiantly led his men in engaging the large enemy force. The ensuing fierce firefight resulted in numerous enemy casualties, as well as the wounding of all four members of the team. Ignoring his own wounds and demonstrating exceptional composure, Lieutenant Murphy continued to lead and encourage his men. When the primary communicator fell mortally wounded, Lieutenant Murphy repeatedly attempted to call for assistance for his beleaguered teammates. Realizing the impossibility of communicating in the extreme terrain, and in the face of almost certain death, he fought his way into open terrain to gain a better position to transmit a call. This deliberate, heroic act deprived him of cover, exposing him to direct enemy fire. Finally achieving contact with his headquarters, Lieutenant Murphy maintained his exposed position while he provided his location and requested immediate support for his team. In his final act of bravery, he continued to engage the enemy until he was mortally wounded, gallantly giving his life for his country and for the cause of freedom. By his selfless leadership, courageous actions, and extraordinary devotion to duty, Lieutenant Murphy reflected great credit upon himself and upheld the highest traditions of the United States Naval Service.

Signed George W. Bush

For more information, see http://www.navy.mil/moh/mpmurphy/